

# FRIDAY NOVEMBER 16, 1979

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Friday  
November 16, 1979

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## Highlights

- 65992 **Housing** HUD/Asst. Sec'y/FHC proposes regulations on tenant participation in multifamily housing projects; comments by 1-15-80
- 65969 **Energy** DOE/NRC establishes regulations on the requirements for the physical protection of nuclear power plants; effective 11-16-79
- 66069 **Home Health Services** HEW/HSA solicits applications for project grants; comments by 2-1-80
- 65997 **Veterans** VA proposes amending regulations on holder's acceptance of partial payments on VA guaranteed and insured home, mobile home and vendee loans; comments by 12-17-79
- 66069 **Maternal and Child Health and Crippled Children** HEW/HSA solicits applications for services project grants to institutions of higher learning; comments by 1-4-80
- 65988 **Iranian Assets Control** Treasury/Office of Foreign Assets Control issues amending regulations licensing U.S.-owned or controlled foreign firms
- 66086, 66087 **Privacy Act** Justice publishes documents affecting the systems of records (2 documents)

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## Highlights

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- 66088 Indian and Native American Programs** Labor/ETA issues a notice designation fiscal year 1980 grantees funded under the Comprehensive Employment and Training Act
- 66125 Sunshine Act Meetings**
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Federal Register

Vol. 44, No. 223

Friday, November 16, 1979

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

## OFFICE OF PERSONNEL MANAGEMENT

### 5 CFR Part 213

#### Excepted Service; Federal Labor Relations Authority

AGENCY: Office of Personnel Management.

ACTION: Final rule.

**SUMMARY:** The following positions are excepted from the competitive service under Schedule C because they are confidential in nature: One position of Executive Assistant to the Chairman and one position of Secretary (Steno) to a Member. Appointments may be made to these positions without examination by the Office of Personnel Management.

**EFFECTIVE DATES:** Secretary (Steno)—July 20, 1979; Executive Assistant—August 17, 1979.

#### FOR FURTHER INFORMATION CONTACT:

*On position authority:* William Bohling, Office of Personnel Management, (202) 632-4533. *On position content:* Gil Miller, Federal Labor Relations Authority, (202) 632-6880.

Office of Personnel Management.

Beverly M. Jones,

*Issuance System Manager.*

Accordingly, 5 CFR 213.3392(a)(1) is amended and (a)(2) is added as set out below:

#### § 213.3392 Federal Labor Relations Authority.

(a) *Office of the Chairman.*

(1) One Confidential Secretary and one Executive Assistant to the Chairman. \* \* \*

(2) One Secretary (Steno) to a Member.

\* \* \* \* \*

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

[FR Doc. 79-35029 Filed 11-15-79; 8:45 am]

BILLING CODE 6325-01-M

### 5 CFR Part 213

#### Excepted Service; Merit Systems Protection Board

AGENCY: Office of Personnel Management.

ACTION: Final rule.

**SUMMARY:** This amendment changes the title of a position at the Merit Systems Protection Board from Attorney-Advisor (General) to Special Assistant to the Chair to more appropriately reflect the duties of the position.

**EFFECTIVE DATE:** April 18, 1979.

#### FOR FURTHER INFORMATION:

*On position authority contact:* William Bohling, Office of Personnel Management, 202-632-4533. *On position content contact:* Pat Ealey, Merit Systems Protection Board, 202-632-5370. Office of Personnel Management. Beverly M. Jones, *Issuance System Manager.*

Accordingly, 5 CFR 213.3390(a) is amended as set out below:

#### § 213.3390 Merit Systems Protection Board.

(a) One Attorney-Advisor (General), one Special Assistant and one Staff Assistant to the Chairperson.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

\* \* \* \* \*

[FR Doc. 79-35030 Filed 11-15-79; 8:45 am]

BILLING CODE 6325-01-M

### 5 CFR Part 213

#### Excepted Service; Merit Systems Protection Board

AGENCY: Office of Personnel Management.

ACTION: Final rule.

**SUMMARY:** The purpose of this amendment is to reflect a title change from Staff Assistant (Steno) to the Vice Chairperson to Administrative Assistant to the Vice Chairperson. The new title more accurately describes the duties of the position.

**EFFECTIVE DATE:** April 27, 1979.

**FOR FURTHER INFORMATION CONTACT:** William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3390(b) is amended as set out below:

#### § 213.3390 Merit Systems Protection Board.

\* \* \* \* \*

(b) One Policy Advisor and one Administrative Assistant to the Vice Chairperson.

\* \* \* \* \*

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

Office of Personnel Management.

Beverly M. Jones,

*Issuance System Manager.*

[FR Doc. 79-35031 Filed 11-15-79; 8:45 am]

BILLING CODE 6325-01-M

### 5 CFR Part 213

#### Excepted Service; National Mediation Board

AGENCY: Office of Personnel Management.

ACTION: Final rule.

**SUMMARY:** This amendment excepts from the competitive service under Schedule C one Confidential Assistant to each of two Members of the Board and one Confidential Assistant to the Chairman because they are confidential in nature. Appointments may be made to these positions without examination by the Office of Personnel Management.

**EFFECTIVE DATE:** August 9, 1979.

#### FOR FURTHER INFORMATION CONTACT:

*On position authority:* William Bohling, Office of Personnel Management, 202-632-4533. *On position content:* Mary Pricci, National Mediation Board, 202-523-5950.

Office of Personnel Management.

Beverly M. Jones,

*Issuance System Manager.*

Accordingly, 5 CFR 213.3389(a) (3) and (4) are added as set out below:

#### § 213.3389 National Mediation Board.

\* \* \* \* \*

(3) One Confidential Assistant to each of two Members of the Board.

(4) One Confidential Assistant to the Chairman.

\* \* \* \* \*

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)  
 [FR Doc. 79-35032 Filed 11-15-79; 8:45 am]  
 BILLING CODE 6325-01-M

### 5 CFR Part 213

#### Excepted Service; National Transportation Safety Board

**AGENCY:** Office of Personnel Management.

**ACTION:** Final rule.

**SUMMARY:** This amendment changes the title of a position at the National Transportation Safety Board from Administrative Assistant to the Chairman to Special Assistant and Counsel to the Chairman to more appropriately reflect the duties of the position.

**EFFECTIVE DATE:** April 20, 1979.

#### FOR FURTHER INFORMATION CONTACT:

*On position authority contact:* William Bohling, Office of Personnel Management, 202-632-4533. *On position content contact:* Larry Upson, National Transportation Safety Board, 202-472-6166.

Office of Personnel Management.  
 Beverly M. Jones,  
*Issuance System Manager.*

Accordingly, 5 CFR 213.3396(a)(1) is amended as set out below:

#### § 213.3396 National Transportation Safety Board.

(a) *Office of the Chairman.*

(1) One Special Assistant and Counsel to the Chairman and one Administrative Assistant to each of four Board Members.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

[FR Doc. 79-35033 Filed 11-15-79; 8:45 am]  
 BILLING CODE 6325-01-M

### 5 CFR Part 213

#### Excepted Service; Office of Personnel Management

**AGENCY:** Office of Personnel Management.

**ACTION:** Final rule.

**SUMMARY:** This amendment excepts from the competitive service under Schedule C two positions at the Office of Personnel Management: One Special Assistant to the General Counsel and one Assistant for Congressional Liaison because they are confidential in nature. Appointments may be made to these positions without examination by the Office of Personnel Management.

**EFFECTIVE DATE:** May 4, 1979.

#### FOR FURTHER INFORMATION CONTACT:

*On position authority:* William Bohling, Office of Personnel Management, 202 632-4533. *On position content:* Janet Cope, Office of Personnel Management, 202 632-6118.

Office of Personnel Management.  
 Beverly M. Jones,  
*Issuance System Manager.*

Accordingly, 5 CFR 213.3391 (h) and (i) are added as set out below:

#### § 213.3391 Office of Personnel Management.

(h) One Special Assistant to the General Counsel.

(i) One Assistant for Congressional Liaison.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954-1958 Comp., p. 218)

[FR Doc. 79-35034 Filed 11-15-79; 8:45 am]  
 BILLING CODE 6325-01-M

### 5 CFR Part 213

#### Excepted Service; Office of Personnel Management

**AGENCY:** Office of Personnel Management.

**ACTION:** Final rule.

**SUMMARY:** One position of Special Assistant to the Deputy Director is excepted from the competitive service under Schedule C because it is confidential in nature. Appointments may be made to this position without examination by the Office of Personnel Management.

**EFFECTIVE DATE:** July 18, 1979.

#### FOR FURTHER INFORMATION CONTACT:

*On position authority:* William Bohling, Office of Personnel Management, (202) 632-4533. *On position content:* Shelya White, Office of Personnel Management, (202) 632-6118.

Office of Personnel Management.  
 Beverly M. Jones,  
*Issuance System Manager.*

Accordingly, 5 CFR 213.3391(b) is amended as set out below:

#### § 213.3391 Office of Personnel Management.

(b) One Policy Advisor, one Administrative Assistant and one Special Assistant to the Deputy Director.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954-1958 Comp., p. 218)

[FR Doc. 79-35035 Filed 11-15-79; 8:45 am]  
 BILLING CODE 6325-01-M

### 5 CFR Part 213

#### Excepted Service; Selective Service System

**AGENCY:** Office of Personnel Management.

**ACTION:** Final rule.

**SUMMARY:** This amendment changes the title of a position at the Selective Service System from Administrative Assistant to the Director to Executive Staff Assistant to the Director because this new title more accurately describes the duties of the position.

**EFFECTIVE DATE:** May 1, 1979.

#### FOR FURTHER INFORMATION CONTACT:

*On position authority:* William Bohling, Office of Personnel Management, 202-632-4533. *On position content:* Margaret Kimbro, Selective Service System, 202-724-0419.

Office of Personnel Management.  
 Beverly M. Jones,  
*Issuance System Manager.*

Accordingly, 5 CFR 213.3346(a) is amended as set out below:

#### § 213.3346 Selective Service System.

(a) One Executive Staff Assistant to the Director.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

[FR Doc. 79-35036 Filed 11-15-79; 8:45 am]  
 BILLING CODE 6325-01-M

### 5 CFR Part 213

#### Excepted Service; Department of Transportation

**AGENCY:** Office of Personnel Management.

**ACTION:** Final rule.

**SUMMARY:** This amendment changes the title of a position at the Department of Transportation from Public Information Assistant to the Director to Public Information Specialist to the Director to more accurately describe the duties of the position.

**EFFECTIVE DATE:** April 19, 1979.

#### FOR FURTHER INFORMATION CONTACT:

*On position authority:* William Bohling, Office of Personnel Management, 202-632-4533. *On position content:* Thomas McKenna, Department of Transportation, 202-426-4122.

Office of Personnel Management.  
 Beverly M. Jones,  
*Issuance System Manager.*

Accordingly, 5 CFR 213.3394(a)(26) is amended as set out below:



**§ 213.3394 Department of Transportation.**(a) *Office of the Secretary.* \* \* \*

(26) One Public Information Specialist and one Secretary (Steno) to the Director, Office of Public and Consumer Affairs.

\* \* \* \* \*

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

[FR Doc. 79-35037 Filed 11-15-79; 8:45 am]

BILLING CODE 6325-01-M

**5 CFR Part 213****Excepted Service; Department of Transportation****AGENCY:** Office of Personnel Management.**ACTION:** Final rule.**SUMMARY:** This amendment changes the title of a position at the Department of Transportation from Confidential Secretary to the Secretary to Personal Assistant to the Secretary to more appropriately reflect the duties of the position.**EFFECTIVE DATE:** May 23, 1979.**FOR FURTHER INFORMATION CONTACT:***On position authority:* William Bohling, Office of Personnel Management, 202-632-4533. *On position content:* Thomas McKenna, Department of Transportation, 202-426-4122.

Office of Personnel Management.

Beverly M. Jones,

*Issuance System Manager.*

Accordingly, 5 CFR 213.3394(a)(3) is amended as set out below:

**§ 213.3394 Department of Transportation.**(a) *Office of the Secretary.*

(3) One Confidential Secretary and one Personal Assistant to the Secretary.

\* \* \* \* \*

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

[FR Doc. 79-35038 Filed 11-15-79; 8:45 am]

BILLING CODE 6325-01-M

**5 CFR Part 213****Excepted Service; Department of Transportation****AGENCY:** Office of Personnel Management.**ACTION:** Final rule.**SUMMARY:** This amendment excepts from the competitive service under Schedule C one position of Secretary (Steno) to the Special Assistant to the Secretary for Urban Affairs, because it is confidential in nature. Appointments may be made to these positions without

examination by the Office of Personnel Management.

**EFFECTIVE DATE:** June 14, 1979.**FOR FURTHER INFORMATION CONTACT:***On position authority:* William Bohling, Office of Personnel Management, 202-632-4533. *On position content:* Thomas McKenna, Department of Transportation 202-426-4122.

Office of Personnel Management.

Beverly M. Jones,

*Issuance System Manager.*

Accordingly, 5 CFR 213.3394 (a)(1) is added as set out below:

**§ 213.3394 Department of Transportation.**(a) *Office of the Secretary.* \* \* \*

(1) One Secretary (Steno) to the Special Assistant to the Secretary for Urban Affairs.

\* \* \* \* \*

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

[FR Doc. 79-35039 Filed 11-15-79; 8:45 am]

BILLING CODE 6325-01-M

**5 CFR Part 213****Excepted Service; Department of Transportation****AGENCY:** Office of Personnel Management.**ACTION:** Final rule.**SUMMARY:** One position of Special Assistant to the Administrator of the National Highway Traffic Safety Administration is excepted from the competitive service under Schedule C because it is confidential in nature. Appointments may be made to this position without examination by the Office of Personnel Management.**EFFECTIVE DATE:** July 24, 1979.**FOR FURTHER INFORMATION CONTACT:***On position authority:* William Bohling, Office of Personnel Management, 202-632-4533. *On position content:* Tom McKenna, Department of Transportation, 202-426-4122.

Office of Personnel Management.

Beverly M. Jones,

*Issuance System Manager.*

Accordingly, 5 CFR 213.3394(i)(8) is added as set out below:

**§ 213.3394 Department of Transportation.**

\* \* \* \* \*

(i) *National Highway Traffic Safety Administration.* \* \* \*

(8) One Special Assistant to the Administrator.

\* \* \* \* \*

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

[FR Doc. 79-35040 Filed 11-15-79; 8:45 am]

BILLING CODE 6325-01-M

**5 CFR Part 213****Excepted Service; Department of Transportation****AGENCY:** Office of Personnel Management.**ACTION:** Final rule.**SUMMARY:** This amendment excepts from the competitive service under Schedule C one position of Secretary (Steno) to the Inspector General, Department of Transportation because it is confidential in nature. Appointments may be made to this position without examination by the Office of Personnel Management.**EFFECTIVE DATE:** May 1, 1979.**FOR FURTHER INFORMATION CONTACT:***On position authority:* William Bohling, Office of Personnel Management, 202-632-4533. *On position content:* Thomas McKenna, Department of Transportation, 202-426-4122.

Office of Personnel Management.

Beverly M. Jones,

*Issuance System Manager.*

Accordingly, 5 CFR 213.3394(a)(5) is added as set out below:

**§ 213.3394 Department of Transportation.**(a) *Office of the Secretary.* \* \* \*

(5) One Secretary (Stenography) to the Inspector General.

\* \* \* \* \*

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

[FR Doc. 79-35041 Filed 11-15-79; 8:45 am]

BILLING CODE 6325-01-M

**5 CFR Part 213****Excepted Service; Department of Transportation****AGENCY:** Office of Personnel Management.**ACTION:** Final rule.**SUMMARY:** This amendment excepts from the competitive service under Schedule C one Messenger for the Assistant Secretary for Governmental and Public Affairs and one Special Assistant to the Secretary for Urban Affairs because they are confidential in nature. Appointments may be made to these positions without examination by the Office of Personnel Management.**EFFECTIVE DATES:** Messenger—June 7, 1979; Special Assistant—June 11, 1979.

**FOR FURTHER INFORMATION CONTACT:**

*On position authority:* William Bohling, Office of Personnel Management, 202-632-4533. *On position content:* Thomas McKenna, Department of Transportation, 202 462-4122.

Office of Personnel Management,  
Beverly M. Jones,  
Issuance System Manager.

Accordingly, 5 CFR 213.3394(a) (19) and (20) are added as set out below:

**§ 213.3394 Department of Transportation.****(a) Office of the Secretary. \* \* \***

(19) One Messenger for the Assistant Secretary for Governmental and Public Affairs.

(20) One Special Assistant to the Secretary for Urban Affairs.

\* \* \* \* \*

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

[FR Doc. 79-35042 Filed 11-15-79; 8:45 am]

BILLING CODE 6325-01-M

**DEPARTMENT OF AGRICULTURE****Agricultural Stabilization and Conservation Service****7 CFR Part 722****1980 Crop of Extra Long Staple Cotton; Acreage Allotments and Marketing Quotas**

**AGENCY:** Agricultural Stabilization and Conservation Service, Department of Agriculture.

**ACTION:** Final rule.

**SUMMARY:** The purpose of this rule is to establish State reserves, allocate State reserves to counties and establish county acreage allotments for the 1980 crop of extra long staple cotton (referred to as "ELS" cotton). The need for this rule is to satisfy the statutory requirements of the Agricultural Adjustment Act of 1938, as amended.

**EFFECTIVE DATE:** November 15, 1979.

**ADDRESS:** Production Adjustment Division, ASCS, USDA, 3630 South Building, P.O. Box 2415, Washington, D.C. 20013.

**FOR FURTHER INFORMATION CONTACT:** Charles V. Cunningham (ASCS) 202-447-7873.

**SUPPLEMENTARY INFORMATION:** A notice that the Secretary of Agriculture was preparing to establish 1980 State and county ELS cotton acreage allotments was published in the Federal Register on August 14, 1979, (44 FR 47543) in accordance with 5 U.S.C. 553. No comments or recommendations were received concerning these determinations.

Determinations with respect to 1980 State reserves and allocation of State reserves to counties were made initially by the respective State committees and are hereby approved and made effective by the Administrator, ASCS, pursuant to delegated authority (35 FR 19798, 36 FR 6907, 37 FR 624, 3845, 22008, 40 FR 18815, and 43 FR 51434).

In order that farmers may be informed of 1980 farm acreage allotments as soon as possible so that they may make plans accordingly, it is essential that these provisions be made effective as soon as possible. Accordingly, it is hereby found and determined that compliance with the 30-day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest. Therefore, this amendment to 7 CFR 722.562 shall become effective upon the filing of this document with the Director, Office of the Federal Register, with respect to the 1980 crop of ELS cotton. The material previously appearing in this section as "Subpart—1979 Crop of Extra Long Staple Cotton; Acreage Allotments and Marketing Quotas" remains in full force and effect as to the crop to which it was applicable.

**Final Rule**

Accordingly, 7 CFR 722.562 is amended to read as follows:

**§ 722.562 State reserves and county allotments for the 1980 crop of extra long staple cotton.**

(a) *State reserves.* The State reserves for each State shall be established and allocated among uses for the 1980 crop of extra long staple cotton pursuant to § 722.508. It is hereby determined that no State reserve is required for abnormal conditions, inequities and hardships, or small farms. A reserve of 5.8 acres was held for trend adjustments in Arizona. The amount of the State reserve held in each State and the amount of allotment in the State productivity pool resulting from productivity adjustments under § 722.529, (c) and (d) is available for inspection at each State ASCS office.

(b) *County allotments.* County allotments are established for the 1980 crop of extra long staple cotton in accordance with § 722.509. The amount of the State allotment apportioned to counties is available for inspection at the respective State and county ASCS offices.

(Secs. 344, 347, 375, 63 Stat. 670, as amended, 675, as amended, 52 Stat. 66, as amended; (7 U.S.C. 1344, 1347, 1375))

Note: This final rule has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations." A

determination has been made that this action should not be classified "significant" under those criteria. A Final Impact Statement has been prepared and is available from Charles V. Cunningham, ASCS, 202-447-7873.

Signed at Washington, D.C., on November 9, 1979.

Ray Fitzgerald,  
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 79-35288 Filed 11-15-79; 8:45 am]

BILLING CODE 3410-05-M

**Agricultural Marketing Service****7 CFR Part 905**

[Orange, Grapefruit, Tangerine, and Tangelo Reg. 3, Amdt. 1]

**Oranges, Grapefruit, Tangerines and Tangelos Grown in Florida; Minimum Size Requirements**

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Amendment to final rule.

**SUMMARY:** This amendment lowers the minimum diameter (size) requirements for Dancy tangerines for domestic shipments from 2 $\frac{1}{8}$  inches to 2 $\frac{1}{16}$  inches for the period November 12 through November 18, 1979. This action recognizes current market demand for smaller sizes of Dancy tangerines and is consistent with the size composition of the available crop in the interest of growers and consumers.

**EFFECTIVE DATE:** November 12, 1979.

**FOR FURTHER INFORMATION CONTACT:** Malvin E. McGaha, (202) 447-5975.

**SUPPLEMENTARY INFORMATION:** *Findings.*

(1) This regulation is issued under the marketing agreement and Order No. 905, both as amended (7 CFR Part 905) regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida. The agreement and order are effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). This action is based upon the recommendation of the committee established under the marketing agreement and order, and upon other information. It is hereby found that the regulation of shipments of Florida Dancy tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The minimum size requirement, herein specified, for domestic shipments of Dancy tangerines reflects the Department's appraisal of the need for the amendment of the current regulation to permit handling of smaller sizes based on current and prospective demand conditions. Relaxation of the

minimum size requirement for Dancy tangerines will make additional supplies available to meet market needs and will tend to promote orderly marketing.

It is concluded that the amendment of the size requirement, hereinafter set forth, is necessary to establish and maintain orderly marketing conditions and to provide acceptable size fruit in the interest of producers and consumers pursuant to the declared policy of the act.

(3) It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the Federal Register (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this amendment is based and the effective date necessary to effectuate the declared policy of the act. Growers, handlers, and other interested persons were given an opportunity to submit information and views on the amendment at an open meeting, and the amendment relieves restrictions on the handling of Florida Dancy tangerines. It is necessary to effectuate the declared purposes of the act to make the regulatory provisions effective as specified, and handlers have been apprised of such provisions and effective time.

Further, in accordance with procedures in Executive Order 12044, the emergency nature of this regulation warrants publication without opportunity for further public comment. The regulation has not been classified significant under USDA criteria for implementing the Executive Order. An Impact Analysis is available from Malvin E. McGaha, Fruit Branch, F&V, AMS, USDA, Washington, D.C., 20250, phone 202-447-5975.

Accordingly, it is found that the provisions of § 905.303 (Orange, Grapefruit, Tangerine, and Tangelo Regulation 3; 44 FR 59195) should be and are hereby amended by revising Table I, paragraph (a) applicable to domestic shipments, to read as follows:

§ 905.303 Orange, Grapefruit, Tangerine, and Tangelo Regulation 3.

(a) \* \* \*

Table I

Variety	Regulation period	Minimum grade	Minimum diameter (in.)
(1)	(2)	(3)	(4)
Tangerines: Dancy	11/12/79- 11/18/79. 11/19/79- 10/12/80.	U.S. No. 1 U.S. No. 1	2-4/16 2-6/16

\* \* \* \* \*

(Secs. 1-19, 48 Stat. 31, as amended; (7 U.S.C. 601-674))

Dated: November 9, 1979.

D. S. Kuryloski,  
Deputy Director, Fruit and Vegetable  
Division, Agricultural Marketing Service.

[FR Doc. 79-35481 Filed 11-15-79; 8:45 am]

BILLING CODE 3410-02-M

## 7 CFR Part 907

[Navel Orange Reg. 466]

### Navel Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

**SUMMARY:** This regulation establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period November 18-22, 1979. Such action is needed to provide for orderly marketing of fresh navel oranges for this period due to the marketing situation confronting the orange industry.

**EFFECTIVE DATE:** November 18, 1979.

**FOR FURTHER INFORMATION CONTACT:** Malvin E. McGaha, 202-447-5975.

**SUPPLEMENTARY INFORMATION:** *Findings.* This regulation is issued under the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). This action is based upon the recommendations and information submitted by the Navel Orange Administrative Committee, and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

The committee met on November 13, 1979, to consider supply and market conditions and other factors affecting the need for regulation and recommended a quantity of navel oranges deemed advisable to be handled during the specified week. The committee reports the demand for navel oranges has not yet stabilized.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking and postpone the effective date until 30 days

after publication in the Federal Register (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given the opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Further, in accordance with procedures in Executive Order 12044, the emergency nature of this regulation warrants publication without opportunity for further public comment. The regulation has not been classified significant under USDA criteria for implementing the Executive Order. An Impact Analysis is available from Malvin E. McGaha, Fruit Branch, Fruit and Vegetable Division, AMS, USDA, phone (202) 447-5975.

§ 907.766 Navel Orange Regulation 466.

**Order.** (a) The quantities of navel oranges grown in Arizona and California which may be handled during the period November 16, through November 22, 1979, are established as follows:

- (1) District 1: 810,000 cartons;
- (2) District 2: unlimited movement;
- (3) District 3: 90,000 cartons;
- (4) District 4: unlimited movement.

(b) As used in this section, "handled", "District 1", "District 2", "District 3", "District 4", and "carton" mean the same as defined in the marketing order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: November 14, 1979.

D. S. Kuryloski,  
Acting Director, Fruit and Vegetable Division,  
Agricultural Marketing Service.

[FR Doc. 79-35581 Filed 11-15-79; 8:45 am]

BILLING CODE 3410-02-M

## 7 CFR Part 910

[Lemon Regulation 226]

### Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

**SUMMARY:** This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market

during the period November 18–24, 1979. Such action is needed to provide for orderly marketing of fresh lemons for this period due to the marketing situation confronting the lemon industry.

**EFFECTIVE DATE:** November 18, 1979.

**FOR FURTHER INFORMATION CONTACT:** Malvin E. McGaha, 202–447–5975.

**SUPPLEMENTARY INFORMATION:** Findings. This regulation is issued under the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee, and upon other information. It is hereby found that this action will tend to effectuate the declared policy of the act.

The committee met on November 13, 1979, to consider supply and market conditions and other factors affecting the need for regulation and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons is somewhat improved.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the Federal Register (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Further, in accordance with procedures in Executive Order 12044, the emergency nature of this regulation warrants publication without opportunity for further public comment. The regulation has not been classified significant under USDA criteria for implementing the Executive Order. An Impact Analysis is available from Malvin E. McGaha, 202–447–5975.

§ 910.526 Lemon Regulation 226.

**Order.** (a) The quantity of lemons grown in California and Arizona which

may be handled during the period November 18, 1979, through November 24, 1979, is established at 215,000 cartons.

(b) As used in this section, "handled" and "carton(s)" mean the same as defined in the marketing order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 15, 1979.  
D. S. Kuryloski,  
*Acting Director, Fruit and Vegetable  
Division,  
Agricultural Marketing Service.*

[FR Doc. 79–35657 Filed 11–15–79; 12:02 am]

BILLING CODE 3410–02–M

### 7 CFR Part 971

#### Lettuce Grown in Lower Rio Grande Valley in South Texas; Handling Regulation

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** This regulation imposes container, pack, and inspection requirements on shipments of lettuce grown in the Lower Rio Grande Valley in South Texas. Standardizing trading practices improves marketing efficiency, promotes orderly marketing of such lettuce, and helps provide better quality lettuce at reasonable prices to consumers.

**EFFECTIVE DATE:** November 19, 1979.

**FOR FURTHER INFORMATION CONTACT:** Peter G. Chapogas (202) 447–5432.

**SUPPLEMENTARY INFORMATION:** Marketing Agreement No. 144 and Marketing Order No. 971 regulate the handling of lettuce grown in the Lower Rio Grande Valley in South Texas. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The South Texan Lettuce Committee, established under the order, is responsible for its local administration.

This regulation is based upon the recommendations made by the committee at its public meeting in McAllen, Texas, on November 1, 1979. It is designed to provide orderly marketing of South Texas lettuce during the period November 19 through December 31, 1979, by imposing inspection and minimum container and pack requirements.

The container and pack requirements are in accord with the generally accepted commercial practices of the South Texas lettuce industry of packing specified numbers of heads of lettuce in specific sized containers limited to those found acceptable to the trade for safe

transportation of the lettuce, and will prevent deceptive practices.

In addition the South Texas lettuce industry is accustomed to operating on a six day shipping week. A six day shipping week has proven adequate for five days distribution in terminal markets, therefore "packaging holidays" on Sundays will promote more efficient and orderly marketing. However, handlers will be permitted, with the approval of the committee, to package lettuce on Sunday whenever the committee finds that distribution is inadequate, or that crop damage is imminent.

No purpose would be served by regulating the containers or pack or requiring the inspection and assessment of insignificant quantities of lettuce. Therefore, each person is exempt from such requirements for up to two cartons or equivalent of lettuce per day.

Provisions with respect to special purpose shipments, including export, are designed to meet the different requirements for export and noncommercial domestic trade. Because of the production area's proximity to the Mexican border, Mexican buyers have been accustomed to acquiring small lots of production area lettuce for their home market. These buyers use lettuce which fails to meet the pack and container requirements. Inasmuch as such shipments have a negligible effect on the domestic market, they are permitted if certain safeguard requirements are met.

#### Findings

Pursuant to Order No. 971 regulating the handling of lettuce grown in South Texas and after consideration of all relevant matters it is hereby found that the handling regulation will tend to effectuate the declared policy of the act.

It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the Federal Register (5 U.S.C. 553) because shipments of lettuce from the production area are expected to begin on or about the effective date hereof. The recommendation and supporting information for regulation were submitted to the Department after an open meeting of the South Texas Lettuce Committee; said meeting was held to consider recommendations for regulation, after giving due notice of the meeting, and interested persons were afforded an opportunity to submit their views at this meeting; and handlers registered under the order as required in § 971.104 have been informed of the requirements. It is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during

the period hereinafter set forth so as to provide for the regulation of the handling of such lettuce, and compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective date of the regulation.

Further, in accordance with procedures in Executive Order 12044, the emergency nature of this regulation warrants publication without opportunity for further public comment. The regulation has not been classified significant under USDA criteria for implementing the Executive Order. An Impact Analysis is available from Peter G. Chapogas (202) 447-5432.

Section 971.319 is hereby terminated and § 971.320 is added as follows:

**§ 971.320 Handling regulation.**

During the period November 19, 1979, through December 31, 1979, no person shall handle any lot of lettuce grown in the production area unless such lettuce meets the requirements of paragraphs (a), (b) and (c) of this section, or unless such lettuce is handled in accordance with paragraphs (d) or (e) of this section. Further, no person may package lettuce during the above period on any Sunday, or on Christmas Day, unless approved in accordance with paragraph (f) of this section.

(a) *Containers.* Containers may be only the following depth, width and length respectively:

(1) Cartons with inside dimensions of 10 inches x 14 $\frac{1}{4}$  inches x 21 $\frac{1}{2}$  inches (designated as carrier container No. 7303, or

(2) Cartons with inside dimensions of 9 $\frac{3}{4}$  inches x 14 inches x 21 inches (designated as carrier container No. 7306), or

(3) Cartons with inside dimensions of 14 inches x 9 $\frac{3}{4}$  inches x 21 inches (designated as carrier container No. 7313), or

(4) Cartons with inside dimensions of 10 $\frac{3}{4}$  inches x 16 $\frac{1}{2}$  inches x 21 $\frac{1}{2}$  inches (designated as carrier container No. 7312—flat pack).

(b) *Pack.* (1) Lettuce heads, packed in containers No. 7303, 7306, or 7313; if wrapped may be packed only 18, 20, 22, 24, or 30 heads per container; if not wrapped, only 18, 24, or 30 heads per container.

(2) Lettuce heads in container No. 7312 may be packed only 24 or 30 heads per container.

(c) *Inspection.* (1) No handler shall handle lettuce unless such lettuce is inspected by the Texas-Federal Inspection Service and an appropriate inspection certificate has been issued for it, except when relieved of such

requirement by paragraphs (d) or (e) of this section.

(2) No handler may transport by motor vehicle, or cause such transportation of, any shipment of lettuce for which inspection is required unless each such shipment is accompanied by a copy of an appropriate inspection certificate or shipment release form (SPI-23) furnished by the inspection service verifying that such shipment meets the pack and container requirements of this section. A copy of such inspection certificate or shipment release form shall be available and surrendered upon request to authorities designated by the committee.

(3) For administration of this part, such inspection certificate or shipment release form required by the committee as evidence of inspection is valid for only 72 hours following completion of inspection, as shown on such certificate or form.

(d) *Minimum quantity.* Any person may handle up to, but not to exceed two cartons or the equivalent of lettuce a day without regard to inspection, assessment, container and pack requirements. This exception shall not be applied to any shipment of over two cartons of lettuce.

(e) *Special purpose shipments.* The container, pack, and inspection requirements of this section shall not be applicable to shipments as follows:

(1) For relief, charity, experimental purpose, or export to Mexico, if a handler presents a Certificate of Privilege for such lettuce prior to handling it, pursuant to §§ 971.120-971.125; and

(2) For export to Mexico, if the handler of such lettuce loads and transports it in a vehicle bearing Mexican registration (license).

(f) *Suspensions of packing holidays.* Upon approval of the committee, the prohibition against packaging lettuce on Christmas or on any Sunday may be modified or suspended to permit the handling of lettuce provided such handling complies with the procedures and safeguards specified by the committee.

(g) *Definitions.* (1) "Wrapped" heads of lettuce refers to those which are enclosed individually in parchment, plastic, or other commercial film and then packed in cartons or other containers.

(2) Other terms used in this section have the same meaning as when used in Marketing Agreement No. 144 and this part.

(Secs. 1-19, 48 Stat. 31, as amended; (7 U.S.C. 601-674))

Dated November 13, 1979, to become effective November 19, 1979.

D. S. Kuryloski,  
Deputy Director, Fruit and Vegetable  
Division, Agricultural Marketing Service.

[FR Doc. 79-35489 Filed 11-15-79; 8:45 am]

BILLING CODE 3410-02-M

**7 CFR Part 1464**

**Tobacco Loan Program; 1979 Crop  
Grade Loan Rates—Sun-Cured (Type  
37) Tobacco**

**AGENCY:** Commodity Credit Corporation.  
**ACTION:** Final rule.

**SUMMARY:** This rule establishes the loan rates to be applied to the various grades of 1979-crop sun-cured (type 37) tobacco so as to provide the level of price support required by the Agricultural Act of 1949, as amended. Eligible sun-cured (type 37) tobacco can be delivered for price support at the specified rates.

**EFFECTIVE DATE:** November 15, 1979.

**ADDRESS:** U.S. Department of Agriculture, Price Support and Loan Division, ASCS, P.O. Box 2415, Washington, D.C. 20013.

**FOR FURTHER INFORMATION CONTACT:** Dalton J. Ustynik, ASCS, (202) 447-6733.

**SUPPLEMENTARY INFORMATION:** In accordance with the provisions of Section 106 of the Agricultural Act of 1949, as amended ("the Act"), the 1979 crop of sun-cured (type 37) tobacco is required to be supported at the level of 80.4 cents per pound. It is expected that price support will be provided through loans to a producer cooperative marketing association which will receive eligible tobacco from producers and make price support advances to the producers through auction warehouses. The tobacco received will serve as collateral for the loan. Price support advances will be based on the loan rates for each grade. These loan rates average the required level of support when weighted by the anticipated grade percentages as authorized by Section 403 of the Act. Price support advances to producers will be the amounts determined by multiplying the pounds of each grade received by the applicable loan rate for that grade less 1 cent per pound which the producers' association is authorized to deduct and to apply against overhead costs.

**Final Rule**

Accordingly, 7 CFR Part 1464 is amended by revising § 1464.20 to read as follows effective for the 1979 crop of sun-cured tobacco, type 37. The material previously appearing under § 1464.20 remains applicable to the crop to which it refers.

§ 1464.20 1979 Crop Virginia Sun-Cured Tobacco, Type 37, Grade Loan Schedule<sup>1</sup>  
[Dollars per hundred pounds, farm sales weight]

Loan Rate			
Grade	Length 46	Length 45	Length 44
A1F.....	125	126	115
A2F.....	119	120	114
A3F.....	115	109	111
A1R.....	119	120	115
A2R.....	117	118	110
A3R.....	111	111	109
B1F.....	124	125	110
B2F.....	117	118	118
B3F.....	110	110	106
B4F.....	102	103	96
B5F.....	80	81	79
B1R.....	116	117	110
B2R.....	113	114	110
B3R.....	106	107	105
B4R.....	98	99	93
B5R.....	81	82	78
B1D.....	110	110	100
B2D.....	108	108	103
B3D.....	100	100	96
B4D.....	87	88	84
B5D.....	77	80	75
B3M.....	89	89	88
B4M.....	81	82	79
B5M.....	73	73	70
B3G.....	91	91	89
B4G.....	81	82	75
B5G.....	74	75	74
C1L.....	126	125	116
C2L.....	120	120	101
C3L.....	103	104	99
C4L.....	94	94	91
C5L.....	78	79	78
C1F.....	126	126	128
C2F.....	119	120	108
C3F.....	108	109	103
C4F.....	98	100	97
C5F.....	80	81	80
C1R.....	95	95	90
C2R.....	89	90	89
C3R.....	83	84	78
C4R.....	74	75	74
C5R.....	66	67	65
C3M.....	84	85	81
C4M.....	75	79	74
C5M.....	73	74	71
C3G.....	74	75	71
C4G.....	69	71	69
C5G.....	64	66	64

Grade	Grade	Grade
T3F..... 69	X1L..... 90	X3M..... 81
T4F..... 67	X2L..... 88	X4M..... 75
T5F..... 61	X3L..... 82	X5M..... 70
	X4L..... 77	
T3R..... 70	X5L..... 75	X3G..... 75
T4R..... 67		X4G..... 73
T5R..... 62	X1F..... 90	X5G..... 67
	X2F..... 88	
T3D..... 67	X3F..... 84	N1L..... 49
T4D..... 65	X4F..... 79	N2L..... 35
T5D..... 59	X5F..... 75	N1R..... 41
T3M..... 67	X1R..... 85	N2R..... 31
T4M..... 64	X2R..... 83	
T5M..... 59	X3R..... 78	N1G..... 41
	X4R..... 73	N2G..... 19
	X5R..... 66	
T3G..... 69		
T4G..... 67	X3D..... 70	
T5G..... 61	X4D..... 66	
	X5D..... 58	

<sup>1</sup> Only the original producer is eligible to receive advances. Tobacco graded "no-G" (no grade), "U" (unsound), or scrap will not be accepted. Tobacco graded "W" (doubtful keeping order) will be accepted at advance rates 20 percent below the advance rates otherwise applicable. Grades marked with the special factor "BH" shall have an advance rate 20 percent below the advance rate otherwise applicable without such special factor. Cooperatives are authorized to deduct \$1 per hundred pounds to apply against overhead costs.

Note.—This final rule has been reviewed under the USDA criteria established to implement Executive Order 12044 "Improving Government Regulations". A determination has been made that this action should not be classified as "significant" under those criteria. This regulation contains necessary operating provisions and loan rates for sun-cured tobacco needed to implement the 1979 Tobacco Loan Program which was approved by the Secretary on September 13, 1979 and publicly announced the following day. A Final Impact Statement has been prepared and is available from Robert L. Tarczy, Price Support and Loan Division, Room 3741—South Building, P.O. Box 2415, Washington, D.C. 20013.

Signed at Washington, D.C. on November 7, 1979.  
John W. Goodwin,  
Acting Executive Vice President, Commodity Credit Corporation.  
[FR Doc. 79-35399 Filed 11-15-79; 8:45] BILLING CODE 3410-05-M

7 CFR Part 1464  
Tobacco Loan Program; 1979 Crop Grade Loan Rates—Burley Tobacco  
AGENCY: Commodity Credit Corporation.  
ACTION: Final rule.

SUMMARY: This rule sets forth the schedule of loan rates applicable to the various grades of 1979 crop burley tobacco so as to provide the level of support required by the Agricultural Act of 1949, as amended. Eligible burley tobacco can be delivered for price support at the specified rates.  
EFFECTIVE DATE: November 15, 1979.  
ADDRESS: U.S. Department of Agriculture, Price Support and Loan Division, ASCS, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Robert L. Tarczy, ASCS, (202) 447-6733.  
SUPPLEMENTARY INFORMATION: On September 20, notice was published in the Federal Register (44 FR 5416) inviting written comments, not later than October 22, on a proposed schedule of grade loan rates for providing price support for 1979 burley tobacco at the statutory level.

Section 106 of the Agricultural Act of 1949, as amended, prescribes a formula for computing, in cents per pound, the level of price support for each crop of tobacco for which marketing quotas are in effect or have not been discontinued by producers. Application of this formula requires that the 1979 crop of burley tobacco be supported at the level of 133.3 cents per pound.

Price support will be provided through loans to producer associations which

will receive eligible tobacco from the producers and make price support advances to the producers for the tobacco received. The price support advances will be based on the grade loan rates, which average the required level of support when weighted by estimated grade percentages, in accordance with section 403 of the Act. The price support advances for burley tobacco will be the amounts determined by multiplying the pounds of each grade received by the respective grade loan rate less 1 cent per pound which the producers' association is authorized to deduct and to apply against overhead costs.

Discussion of Comments  
Two comments were received with respect to the schedule of loan rates proposed. One respondent concurred with the schedule as proposed. The other respondent objected to the tobacco program because of health reasons. Considering the comments, it has been decided to adopt the schedule without change.

Final Rule  
Accordingly, 7 CFR Part 1464 is amended by revising § 1464.21 to read as set forth below, effective for the 1979 crop of burley tobacco. The material previously appearing under § 1464.21 remains applicable to the crop to which it refers.

(Secs. 4, 5, 62 Stat. 1020, as amended, (15 U.S.C. 714b, 714c), secs. 101, 108, 401, 403, 63 Stat. 1051, as amended, (7 U.S.C. 1441, 1425, 1421, 1423))

Note.—This final rule has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations". A determination has been made that this action should not be classified as "significant" under those criteria. This regulation contains necessary operating provisions and loan rates for burley tobacco needed to implement the 1979 Tobacco Loan Program which was approved by the Secretary on September 13, 1979, and publicly announced the following day. A Final Impact Statement was prepared and is available from Robert L. Tarczy, Price Support and Loan Division, ASCS, Room 3741—South Building, P.O. Box 2415, Washington, D.C. 20013.

Signed at Washington, D.C. on November 7, 1979.  
John W. Goodwin,  
Acting Executive Vice President, Commodity Credit Corporation.



**§ 1464.21 1979 crop burley tobacco, type 31, loan schedule.<sup>1</sup>**

[In dollars per hundred pound, farm sales weight]

Grade	Loan rate	Grade	Loan rate
B1F	149	T5GF	109
B2F	147	T4GR	112
B3F	145	T5GR	107
B4F	142	C1L	149
B5F	138	C2L	147
B1FR	148	C3L	145
B2FR	146	C4L	142
B3FR	144	C5L	138
B4FR	141	C1F	149
B5FR	137	C2F	147
B1R	145	C3F	145
B2R	143	C4F	142
B3R	141	C5F	138
B4R	138	C3K	131
B5R	132	C4K	126
B4D	122	C5K	120
B5D	117	C3M	140
B3K	133	C4M	138
B4K	131	C5M	128
B5K	125	C3V	134
B3M	139	C4V	130
B4M	131	C5V	124
B5M	121	C4G	120
B3VF	139	C5G	112
B4VF	132	X1L	148
B5VF	129	X2L	146
B3VR	134	X3L	144
B4VR	128	X4L	139
B5VR	123	X5L	134
B3GF	125	X1F	148
B4GF	123	X2F	146
B5GF	119	X3F	144
B3GR	121	X4F	139
B4GR	119	X5F	133
B5GR	116	X4M	132
T3F	140	X5M	120
T4F	134	X4G	117
T5F	126	X5G	106
T3FR	138	M1F	123
T4FR	133	M2F	122
T5FR	122	M3F	121
T3R	131	M4F	119
T4R	128	M5F	117
T5R	122	M3FR	119
T4D	117	M4FR	117
T5D	113	M5FR	113
T4K	117	N1L	109
T5K	112	N2L	102
T4VF	125	N1F	105
T5VF	117	N1R	104
T4VR	118	N2R	96
T5VR	114	N1G	96
T4GF	112	N2G	88

<sup>1</sup>The loan rates listed are applicable to burley tobacco which is tied in hands or packed in bales and which is eligible tobacco as defined by the regulations. Only the original producer is eligible to receive advances. Tobacco graded "U" (unsound), "W" (wet), "No-G" (no grade), or scrap will not be accepted. Cooperatives are authorized to deduct \$1 per hundred pounds to apply against overhead costs.

[FR Doc. 79-35397 Filed 11-15-79; 8:45 am]

BILLING CODE 3410-05-M

**7 CFR Part 1464****Puerto Rican Tobacco Purchase Program****AGENCY:** Commodity Credit Corporation.**ACTION:** Final rule.

**SUMMARY:** The purpose of this rule is to set forth operating details concerning the dealer purchase program for Puerto Rican Tobacco. This rule is needed in order to provide price support to

producers of Puerto Rican tobacco who have delivered their tobacco to eligible dealers.

**EFFECTIVE DATE:** November 15, 1979.**FOR FURTHER INFORMATION CONTACT:** Dalton Ustynik, ASCS (202) 447-6733.

**SUPPLEMENTARY INFORMATION:** This regulation is being amended in order to provide that: (1) the Producer Associations Division will administer the program, (2) provide that tobacco which has had toxaphene or endrin used on the tobacco in the field or after harvest is not eligible for loan, and (3) change references from the Consumer and Marketing Service to the Agricultural Marketing Service.

**Final Rule**

7 CFR 1464.51-1464.60 are amended to read as follows effective for the 1979 and subsequent crops.

**§ 1464.51 General statement.**

This subpart sets forth the terms and conditions of a price support program under which Commodity Credit Corporation (referred to in this subpart as CCC) will purchase eligible Puerto Rican tobacco from eligible dealers.

**§ 1464.52 Administration.**

This program will be administered by the Producer Associations Division, ASCS, under the general direction and supervision of the Executive Vice President, CCC.

**§ 1464.53 Definitions.**

(a) The term "Puerto Rican regulation" refers to the regulation issued by the Commonwealth of Puerto Rico Department of Agriculture entitled "Regulation to Govern Commercial Relations Between Tobacco Growers and Dealers".

(b) The term "loan program regulation" refers to the price support regulation issued by Commodity Credit Corporation, U.S. Department of Agriculture, entitled "Tobacco Loan Program" (Subpart A of this part).

(c) The term "eligible tobacco" means type 46 tobacco, of the current crop at the time of the offer to sell, of which not less than 85 percent is of grades for which price support is available under the loan program regulations and which is held by an eligible dealer, pursuant to the Puerto Rican regulation, for and on behalf of producers who have certified on Form MQ-38, "Certification of DDT, TDE, Toxaphene, of Endrin, Used on Tobacco," that pesticides containing DDT, TDE, toxaphene and endrin, as defined in Parts 724 and 725 of Chapter VII of this title, were not used on the tobacco in the field or after harvest.

(d) The term "eligible dealer" means a dealer who is licensed under, and who is in compliance with, the Puerto Rican regulation.

**§ 1464.54 Offer to sell tobacco to Commodity Credit Corporation.**

Each year, upon being informed by the Commonwealth of Puerto Rico Department of Agriculture of an eligible dealer who, after July 1, has eligible tobacco which he/she is unable to sell commercially at acceptable prices, CCC shall mail to such dealer Form No. PR-1 "Offer and Acceptance for Sale and Purchase of Puerto Rican Tobacco". If the dealer decides to offer tobacco to CCC, the dealer shall arrange to have the tobacco graded and weighed by inspectors of the Tobacco Division, Agricultural Marketing Service, U.S. Department of Agriculture. The dealer shall furnish all labor and equipment necessary to facilitate the grading and weighing. Charges for inspectors will be paid by CCC. The dealer shall then complete the offer portion of the form, including the weight of each grade offered, shall execute that portion of the form in triplicate and shall airmail the executed copies of the form to the Director, Producer Associations Division, U.S. Department of Agriculture, Washington, D.C. 20013. A copy of the Grade and Weight Certificate, Form PR-2, signed by the inspector, shall accompany each offer. The dealer may submit more than one offer to sell, but no offer postmarked later than September 30 of the year in which executed will be accepted unless, for reasons beyond the control of the dealer, the grade and weight certificate could not be obtained by that date. The tobacco covered by each offer shall constitute a "lot".

**§ 1464.55 Acceptance of offer—Title and risk of loss.**

CCC shall promptly accept each properly executed offer on Form No. PR-1 by filling out and executing the acceptance portion of the form, and shall promptly airmail a copy to the dealer. Upon the execution of the acceptance form by CCC, the offer and acceptance shall constitute a valid and binding contract and title and risk of loss or damage to the tobacco shall pass to CCC.

**§ 1464.56 Delivery and temporary storage.**

The dealer shall deliver all tobacco sold to CCC f.o.b. trucks at dealer's warehouse when and as directed by CCC. Pending delivery the dealer shall furnish free storage for a period up to 45 days from the date of acceptance.

**§ 1464.57 Purchase price for tobacco.**

The purchase price for each lot of tobacco offered by the dealer shall be the sum of (a) the grade purchase rate designated in the Offer and Acceptance form for each grade multiplied by the number of pounds in each grade as shown on the acceptance form and on the applicable grade and weight certificate, totaled for all grades (hereinafter called the lot settlement value), and (b) a handling charge at the rate of \$11 per hundredweight of tobacco purchased. The grade purchase rate designated in the Offer and Acceptance form for each grade shall be the grade loan rate for the then current crop as announced by CCC for Puerto Rican tobacco pursuant to the loan program regulation, less 1 cent per pound, converted to a sweated-weight basis by multiplying by the factor 1.19. For Scrap and No Grade tobacco for which there is no grade loan rate under the loan program regulation, the grade purchase rate will be the grade loan rate for N grade, less 3 cents per pound, converted to a sweated-weight basis by multiplying by the factor 1.19.

**§ 1464.58 Payment for tobacco.**

CCC shall promptly pay the dealer for tobacco purchased following acceptance of an offer.

**§ 1464.59 Dealer settlement with producers.**

Within 30 days from the date the dealer receives payment from CCC for any lot of tobacco, he/she shall pay or credit to the account of all producers from whom he/she received tobacco an amount which, except for any minor difference resulting from the computation of each producer's share, is equal to the lot settlement value of the tobacco sold to CCC. Each producer's share of such payment shall be determined on the basis of all tobacco delivered to the dealer by all producers, including any tobacco sold commercially and the tobacco sold to CCC, in accordance with the following computation: The total loan value of all grades of tobacco received from all producers shall be determined on the basis of the announced CCC grade loan rates, or, in the case of Scrap and No Grade tobacco, for which there are no announced grade loan rates, on the basis of the grade loan rate for N grade, less 2 cents per pound. The lot settlement value of the tobacco sold to CCC shall be divided by the total loan value of all tobacco received. Each grade loan rate shall be multiplied by this factor to determine a grade settlement rate for each grade of tobacco received from producers. Each

producer from whom the dealer received tobacco during the year shall be paid or credited for each pound of tobacco of each grade the producer delivered at the grade settlement rate for that grade. Within 35 days from the date of receiving payment from CCC, the dealer shall execute and transmit to CCC, Form PR-3, "Certification of Payments to Producers".

**§ 1464.60 Records and books.**

The dealer shall keep complete and accurate records with respect to all transactions relating to the tobacco of any crop year during which tobacco is sold to CCC. Such records shall, at all times, show the name and address of each producer from whom tobacco was received, the number of pounds of each U.S. Government grade of tobacco received from each producer, the date and place received, the amounts advanced to each producer in money, material, or services, the date of such advances and description of services or materials charged as advances, quantities of tobacco sold, name and address of purchaser, grades and prices of tobacco sold, and amount paid to each producer or credited to each producer's account in settlement for the tobacco delivered.

The dealer shall keep such records for a period of 3 years after delivery of tobacco to CCC and shall make them available upon request to representatives of CCC or the General Accounting Office for examination and audit.

*Note.*—This final rule has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations". A determination has been made that this action should be classified as not "significant" under those criteria. This regulation contains necessary operating provisions and loan rates for Puerto Rican tobacco needed to implement the 1979 Tobacco Loan Program which was approved by the Secretary on September 13, 1979, and publicly announced the following day. A Final Impact Statement has been prepared and is available from Robert L. Tarczy, Price Support and Loan Division, Room 3754-South Building, P.O. Box 2415, Washington, D.C. 20013.

*Effective date:* November 15, 1979.

Signed at Washington, D.C. on November 7, 1979.

John W. Goodwin,  
*Acting Executive Vice President, Commodity Credit Corporation.*

[FR Doc. 79-35398 Filed 11-15-79; 8:45 am]

BILLING CODE 3410-05-M

**Farmers Home Administration****7 CFR Part 2024****Property and Supply; Procurement, Sales and Leasing Authority; Amendment**

**AGENCY:** Farmers Home Administration, USDA.

**ACTION:** Final rule.

**SUMMARY:** The Farmers Home Administration amends its regulations concerning delegations of procurement authority. This action is taken as a result of an administrative decision and its effect is to clarify limitations, in delegations, correct the title of a procurement official and reflect new positions having procurement authority. **EFFECTIVE DATE:** November 16, 1979.

**FOR FURTHER INFORMATION CONTACT:** Mr. Albert Geiger, (202) 447-5777.

**SUPPLEMENTARY INFORMATION:** The Farmers Home Administration amends Exhibit A to Subpart A, Part 2024, Chapter XVIII, Title 7 in the Code of Federal Regulations. This action is taken because a clarification is needed concerning limitations imposed on procurement authority, to reflect the change in the title of the head of the FmHA Training Center, and to insert the delegation of procurement authority to the State Director and the Administrative Officer in Hawaii to acquire equipment, supplies, and services, and printing and duplicating services.

It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This amendment, however, is not published for proposed rulemaking since the purpose of the change is administrative in nature and will have no effect on the general public.

Therefore, in exhibit A of Subpart A of Part 2024, as amended, the introductory language, number 4 in the table, and the language after the table is amended to read as follows:

**Exhibit A.—Delegation of Purchasing Authority (Small Purchases)**

In accordance with *Agriculture Procurement Regulations 4-3.602-50*, the authority to purchase with redelegation power is delegated to these positions: (The delegation applies to equipment, supplies, and services that are not personal. They also are not normally or regularly obtained from established sources of Agency procurement. (This latter limitation does not apply to Puerto Rico)).

\* \* \* \* \*

**4. Training Centers:**



Director—For emergency supplies and services for ongoing training, 200.

Authority to purchase *with* redelegation power is delegated to:

State Office—Hawaii, State Director; Equipment, Supplies, and Services, \$1,000; Printing and duplicating, \$500.

Administrative Officer, \$1,000, \$500.

This delegation replaces all others and is valid until changed or canceled. People in these positions, or those acting for them, can use this authority.

Use *Federal Procurement Regulations, Subpart 1-3.6; Agriculture Procurement Regulations, Subpart 4-3.6;* and Agency regulations that apply to using this authority. (7 U.S.C. 1939; 42 U.S.C. 1480; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70)

Note: This document has been reviewed in accordance with FmHA Instruction 1901-G "Environmental Impact Statements." It is the determination of FmHA that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment and in accordance with the National Environmental Policy Act of 1969 Pub. L. 91-190 an Environmental Impact is not required.

Note.—This final rule has been reviewed for applicability of the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations." A determination has been made that this rule involves agency management and Federal Government procurement only and is therefore exempt from those procedures. A determination has also been made that this action should not be classified "significant" under the USDA criteria.

Dated: October 25, 1979.

James E. Thornton,  
Associate Administrator, Farmers Home Administration.

[FR Doc. 79-35521 Filed 11-15-79; 8:45 am]  
BILLING CODE 3410-07-M

## Animal and Plant Health Inspection Service

### 9 CFR Part 78

#### Miscellaneous Amendments (Effective Date Corrected)

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Correction of effective date.

SUMMARY: This document corrects the effective date for amendments to the brucellosis regulations. This action is needed to correct an administrative oversight which incorrectly stated the

effective date as September 28, 1979, instead of October 28, 1979.

EFFECTIVE DATE: October 28, 1979.

FOR FURTHER INFORMATION CONTACT: Dr. A. D. Robb, Staff Veterinarian, National Brucellosis Eradication Program, Federal Building, Room 805, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8713.

SUPPLEMENTARY INFORMATION: On September 28, 1979, there was published in the Federal Register (44 FR 55805-55808) a final rulemaking document amending the brucellosis regulations in 9 CFR Part 78. Through an administrative oversight, the effective date was published as September 28, 1979. It should have been October 28, 1979.

In order to correct this error, the effective date of the final regulations concerning Part 78, Title 9, Code of Federal Regulations, published in the Federal Register on September 28, 1979, at 44 FR 55805-55808 is changed to October 28, 1979.

Done at Washington, D.C., this 8th day of November 1979.

M. T. Goff,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 79-35149 Filed 11-15-79; 8:45 am]  
BILLING CODE 3410-34-M

## DEPARTMENT OF ENERGY

### Nuclear Regulatory Commission

#### 10 CFR Part 73

#### Physical Protection of Plants and Materials; Requirements for the Physical Protection of Nuclear Power Plants

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The date when pat-down searches of regular employees at nuclear power plants, two-man rule procedures and additional compartmentalization have to be implemented for protection against insider sabotage is being changed from November 1, 1979 to November 1, 1980. The delay is being granted to allow the Commission time to evaluate the effectiveness of alternative means for protecting against the insider threat. It was noted in 44 FR 47758 (August 15, 1979) that the Commission was considering the Hearing Board's recommendations (and other alternatives) on a program to assure trustworthiness of individuals at nuclear power plants before a final decision on

the need for pat-down searches of regular employees, two-man rule procedures and additional compartmentalization is made; the Commission is still evaluating these alternatives.

EFFECTIVE DATE: November 16, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. T. S. Michaels, Safeguards Standards Branch, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, 301/443-5903.

SUPPLEMENTARY INFORMATION: On July 13, 1979, the Commission changed the date from August 1, 1979, to November 1, 1979, when pat-down searches of regular employees of nuclear power plant licensees, two-man rule procedures and compartmentalization to provide protection against insider sabotage at nuclear power plants had to be implemented. The rationale for this extension was developed in the Federal Register notice on this subject, 44 FR 47758, August 15, 1979.

It was noted in 44 FR 47758 that the Commission was considering the Hearing Board's recommendations (and other alternatives) on a program to assure trustworthiness of individuals at nuclear power plants before a decision on the need for pat-down searches of regular employees, two-man rule procedures and additional compartmentalization could be made; the Commission is still evaluating these and other alternatives. Accordingly, the date when pat-down searches of regular employees at nuclear power plants, two-man rule procedures, and additional compartmentalization for protection against insider sabotage become effective is being changed from November 1, 1979 to November 1, 1980.

In the meantime, all licensees have met all the other requirements of 10 CFR 73.55, and the Commission is satisfied that these other measures, combined with search procedures presently being followed and other actions taken to assure more positive access control of type I vital areas, will in total, for the interim, provide an acceptable level of protection against sabotage by an insider at nuclear power plants.

The Commission had determined that this action is consistent with the common defense and security and the protection of public health and safety. The Commission has, for good cause, found that notice and public procedure on this amendment are unnecessary because of the earlier public participation in the rulemaking proceeding leading to 10 CFR 73.55. The amendment is also made effective immediately on November 16, 1979

\*The authority granted herein *will not* be used for construction expenditures or for alterations of space or real property facilities except for items 7 and 8 above.

because it serves to relieve a restriction that would otherwise be imposed on affected licensees of the Commission on November 1, 1979.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendment to Title 10 Chapter I, Code of Federal Regulations, Part 73 is published as a document subject to codification.

**§ 73.55 [Amended]**

1. Section 73.55 of 10 CFR Part 73 is amended to change the date of November 1, 1979 to November 1, 1980, in the second to last sentence of the unnumbered prefatory paragraph of this section.

Effective date: November 16, 1979.

(Sec. 1611, Pub. L. 83-703, 88 Stat. 948, Pub. L. 93-377, 88 Stat. 475; Sec. 201, Pub. L. 93-438, 88 Stat. 1242-1243, Pub. L. 94-79, 89 Stat. 413 (42 U.S.C. 2201, 5841).)

Dated at Washington, D.C., this 13th day of November 1979.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,  
Secretary of the Commission.

[FR Doc. 79-35819 Filed 11-15-79; 8:45 am]  
BILLING CODE 7590-01-M

## COMMODITY FUTURES TRADING COMMISSION

### 17 CFR Parts 1, 145, and 147

**General Regulations Under the Commodity Exchange Act, Freedom of Information Act, and Government in the Sunshine Act; Financial Reporting Requirements for Futures Commission Merchants**

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Final rules.

**SUMMARY:** The Commodity Futures Trading Commission ("Commission") is adopting amendments to its financial reporting requirements for futures commission merchants (FCMs). The amendments to §§ 1.10, 1.12, 1.16, 1.18 and 1.52 of the regulations will allow those FCMs, or applicants therefor, which are registered with the Securities and Exchange Commission ("SEC") as securities brokers or dealers to comply with the Commission's financial reporting requirements by filing copies of the SEC's FOCUS Report,<sup>1</sup> Part II, in

lieu of the Commission's Form 1-FR. The amendments will also allow FCM/broker-dealers to use the FOCUS Report, Part II, when computing adjusted net capital for purposes of the required monthly capital computations. In addition, the Commission is amending its rules under the Freedom of Information Act ("FOIA") (5 U.S.C. 552) concerning those portions of the FOCUS Report, Part II, that generally will not be made public or released. Finally, the Commission is amending its rules under the Government in the Sunshine Act (5 U.S.C. 552b) with respect to closing Commission meetings to the public and withholding from the public certain information concerning the portions of the FOCUS Report, Part II, that generally will not be made public or released.

**EFFECTIVE DATE:** November 16, 1979.

**FOR FURTHER INFORMATION CONTACT:** Daniel A. Driscoll, Chief Accountant, Division of Trading and Markets, 2033 K Street, NW., Washington, D.C. 20581, (202) 254-8955.

**SUPPLEMENTARY INFORMATION:** The Commission adopted new minimum financial requirements on August 29, 1978,<sup>2</sup> which, among other things, amended the reporting requirements for FCMs and changed the criteria used to determine whether an FCM meets the Commission's minimum financial requirements. To implement the provisions of the revised minimum financial regulations, the Commission adopted a revised Form 1-FR, the basic financial reporting form for FCMs, on March 6, 1979.<sup>3</sup>

When the Commission adopted the new minimum financial requirements, it stated that the Commission staff and representatives of the SEC had initiated cooperative efforts in connection with their respective financial regulations to eliminate duplicative financial regulation of FCMs which are also registered brokers or dealers.<sup>4</sup> When the Commission adopted the revised Form 1-FR, it noted that the SEC had proposed for comment<sup>5</sup> amendments to its uniform net capital rule (17 CFR 240.15c3-1). The Commission also stated

that the SEC amendments, if adopted as proposed, could provide the requisite uniformity to permit the Commission to allow those FCMs which are also registered with the SEC as securities broker-dealers to comply with the Commission's financial reporting requirements by simply filing copies of the SEC's FOCUS report with self-regulatory organizations and the Commission.<sup>6</sup>

On June 5, 1979, the SEC adopted the amendments to its uniform net capital rule in substantially the same form as they were proposed.<sup>7</sup> The effect of the amendments is to conform the SEC's uniform net capital rule to the provisions of the Commission's minimum financial requirements relating to various aspects of the commodities business of an FCM (or applicant therefor) which is also a registered broker or dealer.

The few computational differences that remain between the Commission's minimum financial rules and the SEC's net capital rule impact primarily on those FCM/broker-dealers which are also cash commodity merchants, cooperatives, or manufacturers. Very few FCM/broker-dealers engage in these types of businesses. In the case of each such computational difference of which the Commission is aware, the SEC's net capital treatment is more stringent than that of the Commission. Therefore, an FCM/broker-dealer's adjusted net capital computed pursuant to the Commission's rules would always be the same as or greater than its net capital computed in accordance with the SEC Rule.<sup>8</sup> If an FCM wishes to use the Commission's computational criteria, it must utilize Form 1-FR. If an FCM/broker-dealer chooses to file a copy of its FOCUS Report, Part II, in lieu of Form 1-FR, it must use the SEC's computational criteria when preparing such report.

In addition to adopting the proposed amendments to its uniform net capital rule, the SEC also added on June 5, 1979 another schedule to its FOCUS Report entitled "Schedule of Segregation Requirements and Funds in Segregation."<sup>9</sup> This schedule is identical to the Schedule with the same title

<sup>2</sup> The regulations were published on September 8, 1978 at 43 FR 39958.

<sup>3</sup> The revised Form 1-FR was published on March 12, 1979 at 44 FR 13435. At the same time, the Commission amended its regulations under the FOIA and Government in the Sunshine Act to reflect the changes being made in Form 1-FR and to give nonpublic treatment to certain portions thereof.

<sup>4</sup> 43 FR 39958, at 39957-39958 (September 8, 1978). The Commission had also publicly announced this cooperation in its Federal Register releases proposing changes in the minimum financial requirements. 42 FR 27168, at 27168 (May 28, 1977) and 43 FR 15072, at 15076 (April 10, 1978).

<sup>5</sup> 44 FR 1754 (January 8, 1979).

<sup>6</sup> 44 FR 13435, at 13436.

<sup>7</sup> The amended rule was published on June 15, 1979 at 44 FR 34884 and became effective on July 23, 1979.

<sup>8</sup> FCM/broker-dealers should, however, be aware that the SEC's rule sets lower minimum capital requirements for certain classes of broker-dealers than the Commission has set for FCM's. Consequently an FCM broker-dealer could meet the SEC requirements but fail to meet the Commission's minimum capital requirements.

<sup>9</sup> 44 FR 34889 (June 15, 1979). This addition to the FOCUS reporting system was proposed at 44 FR 1759 (January 8, 1979).

<sup>1</sup> Financial and Operational Combined Uniform Single Report under the Securities Exchange Act of 1934. A copy of the FOCUS Report, Part II can be found at 3 Fed. Sec. L. Rep. (CCH) ¶33,928.

contained in Form 1-FR. With this additional Schedule, Part II of the FOCUS Report provides, with one exception, substantively identical information to that provided on Form 1-FR.<sup>10</sup> For those FCM/broker-dealers which carry commodity options accounts for customers, the information set forth in the Schedule in footnote 10 must be provided along with Part II of the FOCUS Report (the required information need not necessarily be furnished in exactly the form set out in footnote 10). All FCM/broker-dealers are reminded of their continuing obligation under § 1.16(c)(5) of the Commission's regulations (17 CFR 1.16(c)(5)) to file the independent accountant's supplemental report on material inadequacies concurrently with the annual audit report.

Consistent with current practice regarding such schedules filed as part of the Form 1-FR, information regarding segregated funds submitted as part of the FOCUS Report, Part II will be treated as public information under the FOIA, and the Government in the Sunshine Act and Commission regulations promulgated thereunder.

At present, the only information included on the Form 1-FR which is not included on the FOCUS Report, Part II is in the schedule set forth in footnote 10.<sup>11</sup>

To take into account the possibility that the Commission might in the future require additional information in Form 1-FR and the SEC did not amend its financial reporting system accordingly, the amended regulations will be worded so that an FCM/broker-dealer will be permitted to file a copy of the FOCUS Report, Part II, in lieu of Form 1-FR, so long as such filing provides the Commission with the same information that would be furnished if a Form 1-FR were to be filed.

<sup>10</sup> The one exception is the "Schedule of Segregation Requirements and Funds in Segregation" which is as follows:

FCM: \_\_\_\_\_ / Firm Employer Id. No. \_\_\_\_\_

**FORM 1-FR.—Schedule of Segregation Requirements and Funds in Segregation as of**  
\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

**Commodity Options Accounts**

1. Amount required to be segregated in accordance with Commission regulation 32.6 \_\_\_\_\_ \$ \_\_\_\_\_
2. Funds in Segregation:
  - A. Cash \_\_\_\_\_ \$ \_\_\_\_\_
  - B. Securities (at market) \_\_\_\_\_ \$ \_\_\_\_\_
  - C. Total of A and B \_\_\_\_\_ \$ \_\_\_\_\_
3. Excess funds in segregation (2 minus 1) \_\_\_\_\_ \$ \_\_\_\_\_

<sup>11</sup> There are three other schedules which are part of the FOCUS Report but which have no equivalent in the Form 1-FR. These schedules are discussed below.

**Amendments to Commission Rule 145.5**

The Freedom of Information Act ("FOIA"), 5 U.S.C. 552, basically requires that upon request, the Commission must make its records available to the public unless the records fall within the exemptions set forth in the FOIA. Section 552(b)(4) of the FOIA provides that "trade secrets and commercial or financial information obtained from a person and privileged or confidential" are exempt from mandatory public disclosure. Section 145.5(d)(1)(i) of the Commission's regulations under the FOIA, 17 CFR 145.5(d)(1)(i), provides that certain of the information submitted to the Commission on and with Form 1-FR is to be treated as nonpublic. The Commission is now amending Section 145.5(d)(1)(i) to take account of the change in the regulations which will permit those FCMs, or applicants therefor, which are registered broker-dealers to file copies of the FOCUS Report, Part II.<sup>12</sup>

Under 145.5(d)(1)(i)(C) of the amended rule, the following portions, and related footnote disclosures thereof, of the FOCUS Report, Part II which an FCM/broker-dealer may file in lieu of Form 1-FR pursuant to § 1.10(h) of the Commission's regulations will be treated as nonpublic provided that the procedure set forth in 1.10(g)<sup>13</sup> of the Commission's regulations is followed: the Statement of Income (Loss), the Statement of Changes in Financial Position, the Computation for Determination of Reserve Requirements for Broker-Dealers under [SEC] Rule 15c3-3, the Statement of Ownership Equity and Subordinated Liabilities maturing or proposed to be withdrawn within the next six months and accruals, which have not been deducted in the computation of net capital, and the Recap thereof, the Statement of Changes in Ownership Equity, the Statement of

<sup>12</sup> In certain instances, some of the information on the nonpublic portions of the FOCUS Report, Part II, may also be subject to general protection from public disclosure under Section 8(a) of the Commodity Exchange Act if it "would separately disclose the business transactions or market positions of any person and trade secrets or names of customers." As such, that information would be entitled to be withheld from disclosure under the FOIA pursuant to the exemption for matters specifically exempted from disclosure by a statute which requires withholding from the public. See Section 552(b)(3) of the FOIA, 5 U.S.C. 552(b)(3), and Section 145.5(c) of the Commission's regulations thereunder, 17 CFR 145.5(c).

<sup>13</sup> Section 1.10(g) requires that the other portions of the Form 1-FR be bound separately in order that nonpublic treatment be accorded to the portions listed in Section 145.5(d)(1)(i)(B). Section 1.10(g) is being amended to add a similar requirement regarding nonpublic treatment of the portions of the FOCUS Report, Part II, listed in the text.

Changes in Liabilities Subordinated to the Claims of General Creditors, the Statement of Financial and Operational Data, and the accountant's report on material inadequacies filed under § 1.16(c)(5) of the Commission's regulations.

The Commission will, therefore, generally make available under the FOIA the Statement of Financial Condition, the Computation of Net Capital, and the Schedule of Segregation Requirements and Funds in Segregation of the FOCUS Report, Part II. By doing so, the Commission will preserve parity of treatment for all FCMs, since the Commission generally makes available comparable portions of the Form 1-FR. The SEC generally treats as nonpublic all of the FOCUS Report, Part II, except for the Statement of Financial Condition, and accompanying footnotes, from the certified report filed as of the fiscal year-end. One of those footnotes reports the firm's net capital position; thus, the release of the Computation of Net Capital will merely serve to give the details of that reported position. The Schedule of Segregation Requirements and Funds in Segregation on the FOCUS Report, Part II is identical to the schedule with the same name on the Form 1-FR. The Commission generally has made that schedule available under the FOIA, and it will do the same regarding that schedule on the FOCUS Report, Part II. The above considerations will also be reflected in the Commission's treatment of the FOCUS Report, Part II under the Government in the Sunshine Act.

The schedules Computation for Determination of Reserve Requirements for Broker-Dealers under [SEC] Rule 15c3-3 and Statement of Financial and Operational Data reflect information about the business of FCM/broker-dealers which relates principally to their securities-related activities. Therefore, there are no corresponding schedules on the Form 1-FR, since such information is not applicable to FCMs which are not broker-dealers. The schedule Statement of Ownership Equity and Subordinated Liabilities maturing or proposed to be withdrawn within the next six months and accruals, which have not been deducted in the computation of net capital, and the Recap thereof, compiles in tabular form information which is currently contained in the Commission's records and generally accorded nonpublic treatment, although there is no similar schedule filed with Form 1-FR.

The instructions to Form 1-FR inform the applicant or registrant of his rights and the Commission's responsibilities

under the FOIA and the Commission's regulations promulgated thereunder,<sup>14</sup> and every FCM or applicant therefor which is a registered broker-dealer should be familiar with those instructions. The Commission's policy is that exempt records generally will be withheld from disclosure under the FOIA; however, irrespective of this policy and of whether a person petitions the Commission for confidential treatment, the Commission has an obligation to determine whether its records are publicly available. A person who has submitted information and has accompanied the submission with a petition for confidential treatment has the right to notice and appeal of a decision by the Commission staff and the Commission itself as to the disclosure or withholding of materials pursuant to the FOIA. See 17 CFR 145.9.<sup>15</sup> Those considering filing a petition for confidential treatment are reminded of the requirement in Rule 145.9(i) that a petitioner intend in good faith to aid the Commission in any proceeding that might be brought to compel the Commission to disclose the information.

#### Amendments to Commission Rule 147.3

The Government in the Sunshine Act, 5 U.S.C. 552b, basically requires that Commission meetings be open to public observation and certain information pertaining to meetings be disclosed to the public unless a meeting is likely to focus on a specifically exempted matter. One such exemption is provided in Section 552b(c)(4) of that Act which provides that Commission meetings or portions of meetings which are likely to "disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential" may be closed and that certain information with respect thereto may be withheld from the public.

Section 147.3(b)(4)(i)(A) of the Commission's regulations under that Act, 17 CFR 147.3(b)(4)(i)(A), permits the closing of Commission meetings or portions of meetings and the withholding from the public of certain information with respect thereto when such meetings or portions of meetings are likely to involve discussions of certain nonpublic information submitted to the Commission with Form 1-FR's. The Commission is now amending Rule

147.3(b)(4)(i)(A) to take account of the change in the regulations which will permit those FCMs, or applicants therefor, which are registered broker-dealers to file copies of the FOCUS Report, Part II.<sup>16</sup>

Under § 147.3(b)(4)(i)(A)(3) of the amended rule, the following portions, and related footnote disclosures thereof, of the FOCUS Report, Part II which an FCM/broker-dealer may file in lieu of Form 1-FR pursuant to 1.10(h) of the Commission's regulations will constitute a basis for closing Commission meetings or portions of meetings and withholding from the public information pertaining thereto provided that the procedure set forth in § 1.10(g) of the Commission's regulations<sup>17</sup> is followed: the Statement of Income (Loss), the Statement of Changes in Financial Position, the Computation for Determination of Reserve Requirements for Broker-Dealers under [SEC] Rule 15c3-3, the Statement of Ownership Equity and Subordinated Liabilities maturing or proposed to be withdrawn within the next six months and accruals which have not been deducted in the computation of net capital, and the Recap thereof, the Statement of Changes in Ownership Equity, the Statement of Changes in Liabilities Subordinated to the Claims of General Creditors, the Statement of Financial and Operational Data, and the accountant's report on material inadequacies filed under § 1.16(c)(5) of the Commission's regulations.

#### Effective Date

The foregoing rule amendments shall be effective immediately. The Commission finds that the amendments are merely interpretive of existing practice and procedure of which the public has previously been informed and that these rule changes will not have a

<sup>14</sup>In certain instances, some of the information on the nonpublic portions of the FOCUS Report, Part II, may also be subject to general protection from public disclosure under Section 8(a) of the Commodity Exchange Act if it "would separately disclose the business transactions or market positions of any person and trade secrets or names of customers." As such, that information would constitute a basis for closing Commission meetings or portions of meetings and withholding from the public certain information with respect thereto pursuant to the exemption for matters specifically exempted from disclosure by a statute which requires withholding from the public. See Section 552b(c)(3) of the Government in the Sunshine Act, 5 U.S.C. 552b(c)(3), and Section 147.3(b)(3) of the Commission's regulations thereunder, 17 CFR 147.3(b)(3).

<sup>17</sup>A conforming amendment to Section 1.10(g) is being made to make clear that nonpublic treatment will generally be accorded to appropriate portions of the Form 1-FR and the FOCUS Report, Part II under the Government in the Sunshine Act, as well as FOIA, provided the separate binding procedure is followed.

substantial impact on the public. Therefore, any further public procedures and publication prior to the effective date of the rules, in accordance with the Administrative Procedure Act, as codified, 5 U.S.C. 553, are not required. The amendments to Sections 1.10, 1.12, 1.16, 1.18 and 1.52 of the Commission's regulations are procedural in nature and do not affect any substantive rights since they merely provide those FCMs, or applicants therefor, which are registered as brokers or dealers with the option of filing copies of the FOCUS Report, Part II, in lieu of Form 1-FR.<sup>18</sup> The conforming amendment in § 1.10(g) to reference the Government in the Sunshine Act is also a matter of procedure.

The amendments to Parts 145 and 147 are also being made effective immediately to provide that nonpublic treatment now accorded to certain information required to be contained on the Form 1-FR is accorded to the same information if provided on the FOCUS Report, Part II. This merely carries over existing procedures.

In consideration of the foregoing and pursuant to the authority in 5 U.S.C. 552, 5 U.S.C. 552b, and Sections 2(a)(11), 4b, 4f, 4g, 5a, 8a, and 17 of the Commodity Exchange Act, 7 U.S.C. 4a(j), 6b, 6f, 6g, 7a, 12a, and 21, as amended, 92 Stat. 885 *et seq.*, the Commission hereby amends Parts 1, 145 and 147 of Chapter I of Title 17 of the Code of Federal Regulations as follows (> < indicate additions, [] indicate deletions):

#### PART I—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

1. Section 1.10 is amended by adding the following sentence in paragraph (g) thereof and a new paragraph (h) thereto:

§ 1.10 Application for registration and financial reports of Futures Commission Merchants.

\* \* \* \* \*

(g) *Nonpublic treatment of reports.* All of the forms 1-FR filed pursuant to this

<sup>18</sup>In anticipation of the changes made by the SEC, the Commission's Division of Trading and Markets issued a "no-action" letter on December 22, 1978 to permit FCM/broker-dealers to file copies of the FOCUS Report, Part II, in lieu of Form 1-FR. That no-action position was subsequently extended in letters dated March 28, 1979, May 3, 1979, and August 6, 1979. It should, therefore, be unnecessary for any firm to change its present practices solely as a result of the instant rule changes. Those first three "no-action" letters also extended to FCM/broker-dealers who failed to meet the Commission's minimum financial requirements if they could affirmatively demonstrate that they met the SEC's net capital rule. That portion of the "no-action" position expired on July 15, 1979. All FCM/broker-dealers were required to meet the Commission's minimum financial requirements beginning July 16, 1979.

<sup>14</sup>17 CFR Part 145.

<sup>15</sup>The Commission has recently proposed an amendment to 17 CFR 145.9 which would require that a copy of a petition for confidential treatment be filed with the division or office of the Commission to which the information subject to the petition is submitted, as well as the Office of Public Information. 44 FR 51232 (August 31, 1979).

section will be public: *Provided, however,* That if the statement of financial condition, the computation of the minimum capital requirements pursuant to § 1.17, and the schedule of segregation requirements and funds on deposit in segregation are bound separately from the other financial statements (including the statement of income (loss)), footnote disclosures and schedules of form 1-FR, trade secrets and certain other commercial or financial information on such other statements and schedules will be treated as nonpublic for purposes of the Freedom of Information Act [and the Government in the Sunshine Act] and part[s] 145 [and 147] of this chapter. [All of the copies of the FOCUS Report, Part II, filed pursuant to paragraph (h) of this section will be public: *Provided, however,* That if the statement of financial condition, the computation of net capital, and the schedule of segregation requirements and funds on deposit in segregation are bound separately from the other financial statements (including the statement of income (loss)), footnote disclosures and schedules of the FOCUS Report, Part II, trade secrets and certain other commercial or financial information on such other statements and schedules will be treated as nonpublic for purposes of the Freedom of Information Act and the Government in the Sunshine Act and parts 145 and 147 of this chapter.] All information on such other statements, footnote disclosures and schedules will, however, be available for official use by any official or employee of the United States or any State, by any self-regulatory organization of which the person filing such report is a member, and by any other person to whom the Commission believes disclosure of such information is in the public interest. Nothing in this paragraph (g) will limit the authority of any self-regulatory organization to request or receive any information relative to its members' financial condition. The independent accountant's opinion filed pursuant to this § 1.10 will be deemed public information.

[(h) *FCM/broker-dealer filing option:* Any applicant or registrant which is registered with the Securities and Exchange Commission as a securities broker or dealer may comply with the requirements of this section by filing (in accordance with subparagraph (a)(2) and paragraphs (b) and (c) of this section) a copy of its Financial and Operational Combined Uniform Single Report under the Securities Exchange Act of 1934, Part II, in lieu of Form 1-FR; *Provided, however,* That all information

which is required to be furnished on and submitted with Form 1-FR is provided with such Report.]

2. In § 1.12, paragraph (b) is amended to read as follows:

**§ 1.12 Maintenance of minimum financial requirements by Futures Commission Merchants.**

(b) \* \* \* Such applicant or registrant must also file a Form 1-FR [(or, if such applicant or registrant is registered with the Securities and Exchange Commission as a securities broker or dealer, it may file (in accordance with § 1.10(h)) a copy of its Financial and Operational Combined Uniform Single Report under the Securities Exchange Act of 1934, Part II, in lieu of Form 1-FR)] or such other financial statement designated by the Commission and/or the designated self-regulatory organization, if any, as of the close of business for the month during which such event takes place and as of the close of business for each month thereafter until three (3) successive months have elapsed during which the applicant's or registrant's adjusted net capital is at all times equal to or in excess of the minimums set forth in this paragraph (b) which are applicable to such applicant or registrant. Each financial statement required by this paragraph (b) must be filed within 30 calendar days after the end of the month for which such report is being made.

3. In § 1.16, paragraph (c) is amended to read as follows:

**§ 1.16 Qualifications and Reports of Accountants.**

(c) \* \* \*

(5) \* \* \* An applicant must file concurrently with the audit report a supplemental report by the accountant describing any material inadequacies found to exist as of the date of the form 1-FR being filed [..] *Provided, however,* that if such applicant is registered with the Securities and Exchange Commission as a securities broker or dealer, and it files (in accordance with § 1.10(h)) a copy of its Financial and Operational Combined Uniform Single Report under the Securities Exchange Act of 1934, Part II, in lieu of Form 1-FR, the accountant's supplemental report must be made as of the date of such report.] The supplemental report must indicate any corrective action taken or proposed by the applicant or registrant in regard thereto. If the audit did not disclose any

material inadequacies, the supplemental report must so state.

4. In § 1.18, paragraphs (a) and (b) are amended to read as follows:

**§ 1.18 Records for and relating to financial reporting and monthly computation.**

(a) No person shall be registered as a futures commission merchant under the Act unless, commencing on the date his application for such registration is filed, he prepares and keeps current ledgers or other similar records which show or summarize, with appropriate references to supporting documents, each transaction affecting his asset, liability, income, expense and capital accounts, and in which (except as otherwise permitted in writing by the Commission) all his asset, liability and capital accounts are classified into either the account classification subdivisions specified on Form 1-FR [(or, if such person is registered with the Securities and Exchange Commission as a securities broker or dealer and he files (in accordance with § 1.10(h)) a copy of his Financial and Operational Combined Uniform Single Report under the Securities Exchange Act of 1934, Part II, in lieu of Form 1-FR, the account classification subdivisions specified on such Report,] or categories that are in accord with generally accepted accounting principles. Each person so registered shall prepare and keep current such records.

(b) Each applicant or registrant must make and keep as a record in accordance with § 1.31, formal computations of its adjusted net capital and of its minimum financial requirements pursuant to § 1.17 or the requirements of the designated self-regulatory organization to which it is subject as of the close of business each month. [An applicant or registrant which is also registered as a securities broker or dealer with the Securities and Exchange Commission may meet the computation requirements of this paragraph by completing the Statement of Financial Condition and Computation of Net Capital portions of the Financial and Operational Combined Uniform Single Report under the Securities Exchange Act of 1934, Part II.] \* \* \*

5. In § 1.52, paragraph (a) is amended to read as follows:

**§ 1.52 Self-regulatory organization adoption and surveillance of minimum financial requirements.**

(a) \* \* \* Such requirements must be the same as, or more stringent than, those contained in §§ 1.10 and 1.17, and



the definition of adjusted net capital must be the same as that prescribed in § 1.17(c): *Provided, however, A designated self-regulatory organization may determine the number of form 1-FR's it receives from its member registrants so long as it requires at least semiannual Form 1-FR's, one of which must be certified in accordance with § 1.16 for each such registrant.* [.] [.] *Provided, further, A designated self-regulatory organization may permit its member registrants which are registered with the Securities and Exchange Commission as securities brokers or dealers to file (in accordance with Section 1.10(h)) a copy of their Financial and Operational Combined Uniform Single Report under the Securities Exchange Act of 1934, Part II, in lieu of Form 1-FR.*]

#### PART 145—COMMISSION RECORDS AND INFORMATION

6. In § 145.5, paragraph (d)(1)(i) is amended to read as follows:

##### § 145.5 Nonpublic matters.

- (d) \* \* \*
- (1) \* \* \*
- (i) \* \* \*

[(C) The following portions, and footnote disclosures thereof, of the Financial and Operational Combined Uniform Single Report under the Securities Exchange Act of 1934, Part II, filed pursuant to 17 CFR 1.10(h): *Provided, The procedure set forth in 17 CFR 1.10(g) is followed: The Statement of Income (Loss), the Statement of Changes in Financial Position, the Computation for Determination of Reserve Requirements for Broker-Dealers under [SEC] Rule 15c3-3, the Statement of Ownership Equity and Subordinated Liabilities maturing or proposed to be withdrawn within the next six months and accruals, which have not been deducted in the computation of net capital, and the Recap thereof, the Statement of Changes in Ownership Equity, the Statement of Changes in Liabilities Subordinated to the Claims of General Creditors, the Statement of Financial and Operational Data, and the accountant's report on material inadequacies filed under 17 CFR 1.16(c)(5);*]

#### PART 147—OPEN COMMISSION MEETINGS

7. In § 147.3, paragraph (b)(4)(i)(A) is amended to read as follows:

§ 147.3 General requirements of open meetings; grounds upon which meetings may be closed.

- (b) \* \* \*
- (4) \* \* \*
- (i) \* \* \*
- (A) \* \* \*

[(3) The following portions, and footnote disclosures thereof, of the Financial and Operational Combined Uniform Single Report under the Securities and Exchange Act of 1934, Part II, filed pursuant to 17 CFR 1.10(a): *Provided, The procedure set forth in 17 CFR 1.10(g) is followed: The Statement of Income (Loss), the Statement of Changes in Financial Position, the Computation for Determination of Reserve Requirements for Broker-Dealers under [SEC] Rule 15c3-3, the Statement of Ownership Equity and Subordinated Liabilities maturing or proposed to be withdrawn within the next six months and accruals, which have not been deducted in the computation of net capital, and the Recap thereof, the Statement of Changes in Ownership Equity, the Statement of Changes in Liabilities Subordinated to the Claims of General Creditors, the Statement of Financial and Operational Data, and the accountant's report on material inadequacies filed under 17 CFR 1.16(c)(5);*]

Issued in Washington, D.C. on November 6, 1979 by the Commission.

Jane K. Stuckey,  
Secretary of the Commission.

[FR Doc. 79-34725 Filed 11-15-79; 8:45 am]  
BILLING CODE 6351-01-M

#### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

##### Food and Drug Administration

##### 21 CFR Part 73

[Docket No. 78C-0041]

##### Silver; Listing of Color Additives Exempt From Certification

**AGENCY:** Food and Drug Administration.  
**ACTION:** Final rule.

**SUMMARY:** This document "permanently" lists silver for use in externally applied cosmetics and exempts that color additive from certification. Kirker Chemical Co. filed a petition for such use.

**DATES:** Effective December 17, 1979; objections by December 17, 1979.

**ADDRESS:** Written objections to the Hearing Clerk (HFA-305), Food and

Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

**FOR FURTHER INFORMATION CONTACT:** Gerad L. McCowin, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202-472-5690.

**SUPPLEMENTARY INFORMATION:** A petition (CAP 8C0137) to provide for the safe use of crystalline silver metal (silver) as a color additive in fingernail polish was filed by Kirker Chemical Co., 1 East 11th St., P.O. Box 365, River Street Station, Paterson, NJ 07524. A notice of filing was published in the Federal Register of March 17, 1978 (43 FR 11268). The petition was filed under section 708 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 376).

The Food and Drug Administration has evaluated the data in the petition and other relevant material and concludes that silver is safe, under the conditions set forth below, for use in coloring fingernail polish and that certification is not necessary for the protection of the public health. The agency also concludes that the name silver is preferable to the name given in the filing notice.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 708 (b), (c), and (d), 74 Stat. 399-403 (21 U.S.C. 376 (b), (c), and (d))) and under authority delegated to the Commissioner (21 CFR 5.1), Part 73 is amended in Subpart C by adding new § 73.2500 to read as follows:

##### § 73.2500 Silver.

(a) *Identity.* (1) The color additive, silver, is a crystalline powder of high purity silver prepared by the reaction of silver nitrate with ferrous sulfate in the presence of nitric, phosphoric and sulfuric acids. Polyvinyl alcohol is used to prevent the agglomeration of crystals and the formation of amorphous silver.

(2) Color additive mixtures of silver may contain only those diluents listed in § 73.1001(b) and, in addition, nitrocellulose.

(b) *Specifications.* Silver shall conform to the following specifications and shall be free from impurities other than those named to the extent that such other impurities may be avoided by good manufacturing practice:

Lead (as Pb), not more than 10 parts per million.  
Arsenic (as As), not more than 5 parts per million.  
Mercury (as Hg), not more than 1 part per million.  
Silver (as Ag), not less than 99.9 percent.

(c) *Uses and restrictions.* The color additive silver may be safely used for

coloring fingernail polish at a level not to exceed 1 percent of the final product.

(d) *Labeling.* The color additive and any mixtures prepared therefrom intended solely or in part for coloring purposes shall bear, in addition to any other information required by law, labeling in accordance with the provisions of § 70.25 of this chapter.

(e) *Exemption from certification.* Certification of this color additive is not necessary for the protection of the public health and therefore batches thereof are exempt from the certification requirements of section 706(c) of the act.

Any person who will be adversely affected by the foregoing regulation may at any time on or before December 17, 1979 file written objections with the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857. Objections should show how the person filing them will be adversely affected by the regulation, specify with particularity the provisions of the regulation thought to be objectionable, and state the grounds for each objection. Objections are to be filed in accordance with the requirements of § 71.30 (21 CFR 71.30). If a hearing is requested, the objections must state the issues for the hearing, be supported by grounds factually and legally sufficient to justify the relief sought, and include a detailed description and analysis of the factual information intended to be presented in support of each objection in the event that a hearing is held. Four copies of all documents should be filed and identified with the Hearing Clerk docket number found in brackets in the heading of this regulation. Received objections may be seen in the office of the Hearing Clerk, between 9 a.m. and 4 p.m., Monday through Friday.

*Effective date:* This regulation shall become effective December 17, 1979, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the Federal Register.

(Sec. 706 (b), (c), and (d), 74 Stat. 399-403 (21 U.S.C. 376 (b), (c), and (d)))

Dated: November 7, 1979.

William F. Randolph,  
Acting Associate Commissioner for  
Regulatory Affairs.

[FR Doc. 79-35002 Filed 11-15-79; 8:45 am]  
BILLING CODE 4110-03-M

## 21 CFR Part 510

New Animal Drugs; Federal Pharmacal, Inc.; Change of Sponsor

AGENCY: Food and Drug Administration.

### ACTION: Final rule.

**SUMMARY:** The regulations are amended to reflect the change of sponsor for chloramphenicol capsules and tetracycline hydrochloride capsules from Pierrél America, Inc., to Federal Pharmacal, Inc. Two supplemental new animal drug applications (NADA's) filed by Federal Pharmacal, Inc., provide for this change.

**EFFECTIVE DATE:** November 16, 1979.

**FOR FURTHER INFORMATION CONTACT:** Henry C. Hewitt, Bureau of Veterinary Medicine (HFV-114), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3420.

**SUPPLEMENTARY INFORMATION:** Federal Pharmacal, Inc., filed supplemental new animal drug applications (NADA 65-345 and 65-467) providing for the change of sponsor for chloramphenicol capsules and tetracycline hydrochloride capsules, respectively.

This intercorporate transfer of NADA's does not involve changes in facilities, equipment, procedures, or production personnel. Under the bureau's supplemental approval policy (42 FR 64367, December 23, 1977), this is a category I change; therefore, this action does not require a reevaluation of the safety and effectiveness data in the parent applications.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.83), § 510.600 is amended in paragraph (c)(1) by deleting the entry for "Pierrél America, Inc.," and by alphabetically adding a new sponsor entry, and in paragraph (c)(2) by deleting the sponsor entry for "000345" and by numerically adding a new sponsor entry to read as follows:

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

\* \* \* \* \*

(c) \* \* \*

(1) \* \* \*

Firm name and address	Drug labeler code
* * * * *	
Federal Pharmacal, Inc., P.O. Box Q, Kingsthill, St. Croix, U.S. Virgin Islands 00850	000345
* * * * *	

(2) \* \* \*

Drug labeler code	Firm name and address
* * *	* * *
000345	Federal Pharmacal, Inc., P.O. Box Q, Kingsthill, St. Croix, U.S. Virgin Islands 00850.
* * *	* * *

*Effective date.* This regulation is effective November 16, 1979.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: November 7, 1979.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 79-35000 Filed 11-15-79; 8:45 am]

BILLING CODE 4110-03-M

## 21 CFR Parts 520 and 522

Sulfadimethoxine Tablets and Injection; Change of Sponsor

AGENCY: Food and Drug Administration.

ACTION: Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) amends the regulations to reflect the change of sponsor for two sulfadimethoxine products from Affiliated Laboratories, Division of Whitmoyer Laboratories, Inc., to Beecham Laboratories, Division of Beecham, Inc. Supplemental new animal drug applications (NADA's) filed by Beecham Laboratories provide for this change.

**EFFECTIVE DATE:** November 16, 1979.

**FOR FURTHER INFORMATION CONTACT:** Andrew J. Beaulieu, Bureau of Veterinary Medicine (HFV-216), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4093.

**SUPPLEMENTARY INFORMATION:** Beecham Laboratories, Division of Beecham, Inc., Bristol, TN 37620, filed supplemental NADA's 13-528 and 13-527 providing for the change of sponsor for sulfadimethoxine tablets and sulfadimethoxine injection, respectively.

Approval of these supplemental applications does not adversely affect the safety or effectiveness of the products because it provides only for an intercorporate transfer of NADA's, and no changes in manufacturing, packaging, or quality control. Accordingly, the Director of the Bureau of Veterinary Medicine concludes that these approvals do not require a reevaluation of the safety and effectiveness data in the parent applications.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))), under authority delegated to the Commissioner

of Food and Drugs (21 CFR 5.1) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.83), Parts 520 and 522 are amended as follows:

**§ 520.2220b [Amended]**

1. In Part 520, § 520.2220b *Sulfadimethoxine tablets and boluses* is amended in paragraph (b)(2) by deleting the number "011825" and inserting in its place the number "000029."

**§ 522.2220 [Amended]**

2. In Part 522, § 522.2220 *Sulfadimethoxine injection*, is amended in paragraph (b)(2) by deleting the number "011825" and inserting in its place the number "000029."

*Effective date:* November 16, 1979.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: November 7, 1979.

Lester M. Crawford,  
Director, Bureau of Veterinary Medicine.

[FR Doc. 79-35001 Filed 11-15-79; 8:45 am]

BILLING CODE 4110-03-M

**21 CFR Parts 520 and 558**

**New Animal Drug Applications;  
Change of Sponsor**

**AGENCY:** Food and Drug Administration.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) amends the animal drug regulations to reflect the change of sponsor for several new animal drug applications (NADA's) from Shell Chemical Co. to Diamond Shamrock Corp. Supplemental NADA's filed by Diamond Shamrock Corp. provide for this change.

**EFFECTIVE DATE:** November 16, 1979.

**FOR FURTHER INFORMATION CONTACT:**

Bob G. Griffith, Bureau of Veterinary Medicine (HFV-112), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3430.

**SUPPLEMENTARY INFORMATION:** Diamond Shamrock Corp., Nutrition and Animal Health Div., 1100 Superior Ave., Cleveland, OH 44114, submitted several supplemental NADA's to provide for the change of sponsor. The regulations are amended to reflect the change.

Under the Bureau of Veterinary Medicine's proposed supplemental approval policy for NADA's (December 23, 1977; 42 FR 64367), this is a category I

change. Accordingly, approval of this action did not require a reevaluation of the safety and effectiveness data in the parent applications.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.83), Parts 520 and 558 are amended as follows:

**§ 520.600 [Amended]**

1. In Part 520, § 520.600 *Dichlorvos* is amended in paragraph (c) by deleting "011461" and inserting in its place "025001."

**§ 558.205 [Amended]**

2. In Part 558, § 558.205 *Dichlorvos* is amended in paragraph (b) by deleting "011461" and inserting in its place "025001."

*Effective date.* This amendment is effective November 16, 1979.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))).

Dated: November 9, 1979.

Lester M. Crawford,  
Director, Bureau of Veterinary Medicine.

[FR Doc. 79-35324 Filed 11-15-79; 8:45 am]

BILLING CODE 4110-03-M

**21 CFR Part 540**

**Penicillin Antibiotic Drugs for Animal  
Use; Procaine Penicillin G in Oil**

**AGENCY:** Food and Drug Administration.

**ACTION:** Final rule.

**SUMMARY:** The agency amends the regulations to reflect approval of a new animal drug application (NADA) filed by Philips Roxane, Inc., providing for safe and effective intramammary use of procaine penicillin G in oil for treating mastitis in lactating cows. This product is similar to one reviewed by the National Academy of Sciences—National Research Council (NAS/NRC) Drug Efficacy Study Group and found to be effective for its labeled uses.

Approval of identical or similar products may require submission of bioequivalence or similar data in lieu of other effectiveness data.

**EFFECTIVE DATE:** November 16, 1979.

**FOR FURTHER INFORMATION CONTACT:**

Richard A. Carnevale, Bureau of Veterinary Medicine (HFV-112), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1788.

**SUPPLEMENTARY INFORMATION:** Philips Roxane, Inc., 2621 North Belt Highway,

St. Joseph, MO 64502, filed an NADA (65-466) providing for intramammary use of a single-dose, 10-milliliter, disposable syringe containing 100,000 units of procaine penicillin G for treating mastitis in lactating cows. This product is similar to Hanford's, which was the subject of a NAS/NRC evaluation published in the Federal Register of July 22, 1970 (35 FR 11710). The product was classified as probably effective for the above-mentioned use and was later declared effective in the Federal Register of October 26, 1973 (38 FR 29578); it is codified in 21 CFR 540.874a. The two products differ in that Philips Roxane uses soybean oil as its inactive ingredient/vehicle, whereas Hanford uses sesame oil. Notwithstanding the different vehicles, Philips Roxane has demonstrated bioequivalency between the products through submission of adequate and well-controlled studies. This application is approved on the basis of generic equivalence to the reviewed drug.

This document amends 21 CFR 540.874a to add the new approval and to specify in the existing Hanford approval the conditions of use for which approval for an identical or similar product need not include certain types of effectiveness data as specified by § 514.1(b)(8)(iii) (21 CFR 514.1(b)(8)(iii)) or § 514.111(a)(5) (21 CFR 514.111(a)(5)).

Instead, approval may require a demonstration of bioequivalence as discussed in the guideline for submitting NADA's for NAS/NRC-reviewed generic drugs. The guideline is available from the Hearing Clerk (HFA-305), Rm. 4-65, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

In accordance with the provisions of Part 20 (21 CFR Part 20) promulgated under the Freedom of Information Act (5 U.S.C. 552) and the Freedom of Information regulations in § 514.11(e)(2)(ii) of the animal drug regulations (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application is available for public examination at the office of the Hearing Clerk (HFA-305) from 9 a.m. to 4 p.m., Monday through Friday.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512 (i) and (n), 82 Stat. 347, 350-351 (21 U.S.C. 360b (i) and (n))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.83), Part 540 is amended in § 540.874a by redesignating paragraph (c)(2)(ii) as paragraph (c)(2)(iii), by revising newly designated paragraph (c)(2)(iii)(a), and



by adding new paragraph (c)(2)(ii) and (5) to read as follows:

**§ 540.874a Procaine penicillin G in oil.**

\* \* \* \* \*

(c) \* \* \*

(2) \* \* \*

(ii) *NAS/NRC status.* The conditions specified in paragraph (c)(2)(iii)(a)(2) of this section have been reviewed by NAS/NRC and are effective. Applications for these uses need not include effectiveness data as specified by § 514.111 of this chapter, but may require bioequivalency and safety information.

(iii) *Conditions of use.* \* \* \*

(a) *Three dose regimen.* Administer by intramammary infusion in each infected quarter as follows:

(1) *6-milliliter dose (peanut oil).* Treatment may be repeated at 12-hour intervals. Milk that has been taken from animals during treatment and for 84 hours (7 milkings) after the latest treatment must not be used for food. Animals must not be slaughtered for food during treatment or within 4 days after the latest treatment.

(2) *10-milliliter dose (sesame oil).* Treatment may be repeated at 12-hour intervals. Milk that has been taken from animals during treatment and for 60 hours (5 milkings) after the latest treatment must not be used for food. Animals must not be slaughtered for food during treatment or within 3 days after the latest treatment.

\* \* \* \* \*

(5)(i) *Sponsor.* See in § 510.600(c) of this chapter.

(ii) *Conditions of use.* It is used as an aid in the treatment of mastitis caused by *Streptococcus agalactiae*, *S. dysgalactiae*, and *S. uberis* in lactating cows as follows:

(a) *Three dose regimen.* After milking, infuse each infected quarter with a single 10-milliliter syringe (soybean oil vehicle).

(b) *Limitations.* Repeat procedure at 12-hour intervals for not more than 3 doses. Milk that has been taken from animals during treatment and for 60 hours (5 milkings) after the latest treatment must not be used for food. Animals must not be slaughtered for food during treatment or within 3 days after the latest treatment.

*Effective date.* This regulation is effective November 16, 1979.

(Sec. 512 (i) and (n), 82 Stat. 347, 350-351 (21 U.S.C. 360b (i) and (n)))

Dated: November 9, 1979.

Lester M. Crawford,  
Director, Bureau of Veterinary Medicine.  
[FR Doc. 79-35323 Filed 11-15-79; 8:45 am]  
BILLING CODE 4110-03-M

## DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

### 33 CFR Part 206

#### Fishing and Hunting Regulations

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Final rule.

**SUMMARY:** The Corps of Engineers is revoking certain fishing and hunting regulations in 33 CFR Part 206 which have been identified as being obsolete or unnecessary and amending certain other regulations in Part 206 to eliminate extraneous information. This action is taken as part of the Corps' continuing program to review all regulations for possible elimination or consolidation in accordance with the President's Order on Improving Government Regulations (EO 12044).

**EFFECTIVE DATE:** November 30, 1979.

**ADDRESS:** Office of the Chief of Engineers: Attn: DAEN-CWO-N, Washington, D.C. 20314.

**FOR FURTHER INFORMATION, CONTACT:** Mr. Ralph T. Eppard (202) 272-0200.

**SUPPLEMENTARY INFORMATION:** On 19 July 1977, the Corps of Engineers published final regulations to revise and reorganize the Corps permit program to make the policies and procedures more understandable to a person desiring to perform work in the waters of the United States and to enable a person to get a quicker decision on an application. These regulations also authorized certain small structures by a nationwide permit where those structures have a minimal impact on the environment, and in the case of marine life harvesting devices; provided there is no interference with navigation. Accordingly, it is no longer necessary to submit an application to the Corps District Engineers and/or to comply with detailed specifications for pound nets, crab traps, eel pots and lobster traps if they do not interfere with navigation.

On 24 January 1978, a Notice of Proposed Rulemaking was published in the Federal Register (43 FR 3287) soliciting comments on the Corps' proposal to revoke 33 CFR Part 206 (Fishing and Hunting Regulations) in its entirety. The response to that proposal

was generally light. However, some of the commentors expressed concern about the potential hazards to navigation created by a proliferation of fishing structures, if the geographical limits for those structures were removed by revoking the regulations. We received comments from the following: Congressman G. William Whitehurst (on behalf of R. Patrick Deans), Chesapeake Bay Yacht Clubs Association, U.S. Coast Guard, State of Virginia, Marine Resources Commission, Mr. John E. Kennedy, Mr. R. Patrick Deans.

Based on all of the comments received we re-evaluated each of the fishing and hunting regulations with a view toward revoking certain regulations where state and local controls are sufficient to regulate these structures and to amend other regulations to delete requirements not specifically addressing the geographic areas for marine life harvesting devices. Requirements currently exist in 33 CFR Part 206 for fishing structure buoys to be placed to mark the boundaries of certain fishing areas in the Chesapeake Bay. In view of the comments received on the need for markers, the revocation of these requirements is being held in abeyance to allow time to determine future requirements and jurisdictional parameters.

Accordingly, 33 CFR Part 206 is amended as set forth below:

1. The following regulations are revoked in their entirety:

#### 33 CFR Sec. and Location

- 206.5 Navigable waters on coast of Maine and New Hampshire.
- 206.15 Coastal waters of Massachusetts and Rhode Island and the waters of Fishers Island and Gardiners Point, New York; fishing.
- 206.20 Narragansett Bay and its tributaries, Rhode Island; oyster grounds.
- 206.25 Navigable waters of State of Connecticut; oyster grounds.
- 206.30 Gardiner and Great and Little Peconic Bays, New York; oyster grounds.
- 206.35 Atlantic Ocean between Montauk Point, New York, and Cape Charles, Virginia; fishing.
- 206.46 Hudson River, New York, north of Stoney Point, Stoney Point, New York; fishing.
- 206.55 Chesapeake Bay, Maryland and Virginia, and its tributary waters; Assawoman, Isle of Wight and Sinepuxent Bays, Maryland, and Chincoteague Bay, Maryland and Virginia; and their tributary waters; duck blind.
- 206.75 Green Bay, between Menominee and Cedar Rivers, Michigan; fishing.
- 206.80 Lake Erie, between Marblehead Light, Ohio and Barcelaria, New York; fishing.
- 206.85 San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisan Bay, New York

Slough, San Joaquin River; Sacramento River and their navigable tributaries and connecting waterways; California, floating or drifting fish nets.

206.90 Coastal waters of Oregon and Washington and the navigable waters tributary thereto, including Columbia River, Oregon, Washington, and Idaho and all its navigable tributaries; fishing.

206.95 Coastal waters of Alaska and navigable waters thereto; fishing.

2. Section 206.40 is amended by deleting all paragraphs and application and by adding new paragraphs (a) and (b). The maps will remain in this section.

§ 206.40 Bays and estuaries tributary to the Atlantic Ocean between Montauk Point, New York, and Cape Charles, Virginia, and in the State of New York, tributary to Long Island Sound; fishing:

(a) The placing of fishing structures in the waters of the bays and estuaries tributary to the Atlantic Ocean between Montauk Point, New York, and Cape Charles, Virginia, and of the bays and estuaries in the State of New York tributary to Long Island Sound, will hereafter be governed by the following regulations:

(b) Regulations:

(1) Subject to the provisions of this section the placing of fishing structures is authorized by the Secretary of the Army in the waters of the bays and estuaries tributary to the Atlantic Ocean between Montauk Point, New York, and Cape Charles, Virginia, and of the bays and estuaries in the State of New York tributary to Long Island Sound within areas previously approved by the Secretary of the Army provided there is no interference with navigation.

(2) Any person desiring to place and operate fish traps, weirs or pounds in areas other than the approved areas shown on the following maps, in the bays and estuaries tributary to the Atlantic Ocean between Montauk Point, New York, and Cape Charles, Virginia, and of the bays and estuaries in the State of New York tributary to Long Island Sound shall apply to the District Engineer having jurisdiction.

3. Section 206.45 is amended by revising paragraph (a) in its entirety, deleting paragraph (b) in its entirety, revising paragraph (c) and redesignating it as paragraph (b), and by redesignating subparagraphs (c)(1) through (c)(25) as paragraphs (b)(1) through (b)(25). Also, the "Application", and "Permit" section is deleted. As amended § 206.45 reads as follows.

§ 206.45 Hudson River, New York and New Jersey, south of Stony Point; Stony Point, New York; fishing:

(a) *Regulations.* Subject to the provisions of this section the placing and maintenance of shad nets and poles are authorized by the Secretary of the Army (see 33 CFR 322.4), in the Hudson River, New York and New Jersey, south of Stony Point, New York, within the following designated areas approved by the Secretary of the Army.

(b) *Approved fishing areas.* The areas described in this paragraph are approved as areas within which shad nets, poles, and other fishing structures are permitted, pursuant to the regulations contained in 33 CFR 320-329.

(1) *Area No. A.* An area in the westerly portion of the river between West 59th and West 129th Streets, Manhattan, New York City, and bounded by straight lines between the following points:

Point No.	Latitude	Longitude
a.....	40 46 33.3	74 00 04.8
b.....	40 46 35.8	74 00 10.4
c.....	40 47 39.0	73 59 20.0
d.....	40 48 25.7	73 58 44.9
e.....	40 49 14.9	73 58 14.8
f.....	40 49 13.0	73 58 09.2
g.....	40 48 23.8	73 58 40.4
h.....	40 47 37.8	73 59 14.2

(2) *Area No. 1.* An area in the westerly portion of the river between West 140th Street, Manhattan, New York City, and the George Washington Bridge, and bounded by straight lines between the following points:

Point No.	Latitude	Longitude
1.....	40 49 38.1	73 57 56.4
2.....	40 49 43.0	73 58 09.8
3.....	40 51 00.0	73 57 37.3
4.....	40 50 56.2	73 57 19.2
5.....	40 50 15.1	73 57 31.7

(3) *Area No. 2.* An area in the westerly portion of the river, between the George Washington Bridge and Dyckman Street, Manhattan, New York City, and bounded by straight lines between the following points:

Point No.	Latitude	Longitude
6a.....	40 51 14.7	73 57 07.6
7a.....	40 51 17.2	73 57 20.2
8.....	40 51 49.5	73 57 01.1
9.....	40 52 19.2	73 56 43.8
10.....	40 52 13.5	73 56 25.9
11.....	40 51 43.5	73 56 42.8

(3a) *Area No. 2A.* An area in the westerly portion of the river, between Area No. 2 and Area No. 3 and bounded by straight lines between the following points:

Point No.	Latitude	Longitude
10.....	40 52 13.5	73 56 25.9
9.....	40 52 19.2	73 56 43.8
13.....	40 52 36.9	73 56 32.4
12.....	40 52 31.8	73 56 14.4

(4) *Area No. 3.* An area in the westerly portion of the river, between Inwood Hill Park, north of Dyckman Street, Manhattan, New York City, and south of Ashburton Avenue, City of Yonkers, New York, and bounded by straight lines between the following points:

Point No.	Latitude	Longitude
12.....	40 52 31.8	73 56 14.4
13.....	40 52 36.9	73 56 32.4
14.....	40 53 56.4	73 55 54.0
15.....	40 55 04.8	73 55 20.2
16.....	40 56 29.8	73 55 02.8
17.....	40 56 26.0	73 54 43.9
18.....	40 55 00.8	73 55 09.0
19.....	40 53 53.0	73 55 35.0

(5) *Area No. 4.* An area in the westerly portion of the river between Glenwood, City of Yonkers, New York, and Hastings on Hudson, New York, and bounded by straight lines between the following points:

Point No.	Latitude	Longitude
20.....	40 46 45.7	73 54 37.0
21.....	40 50 49.1	73 54 57.0
22.....	40 57 35.6	73 54 37.0
23.....	40 58 09.5	73 54 18.5
24.....	40 58 53.0	73 54 4.8
25.....	40 59 47.8	73 53 59.2
28.....	40 59 45.3	73 53 39.0
29.....	40 58 50.8	73 53 45.2
30.....	40 58 05.0	73 53 59.8
31.....	40 57 31.8	73 54 18.0

(5a) *Area No. 4A.* An area in the westerly portion of the river, between Hastings on Hudson, New York, and Dobbs Ferry, New York, described as follows: North of a line passing through Points Nos. 25 and 28 and extending to the westerly shore line; east of the westerly shoreline; south of a line passing through Points Nos. 28 and 27 and extending to the westerly shore line; and west of a line passing through Points Nos. 27 and 28:

Point No.	Latitude	Longitude
25.....	40 59 47.8	73 53 59.2
26.....	41 00 55.2	73 53 46.7
27.....	41 00 52.3	73 53 21.2
28.....	40 59 45.3	73 53 39.8

(6) *Area No. 5.* An area in the westerly portion of the river, between Dobbs Ferry, N.Y., and Irvington, N.Y., described as follows: North of a line passing through points Nos. 32 and 33 and extending to the westerly shoreline; east of the westerly shoreline; south of a line passing through points Nos. 34 and 35 and extending due west from point 34 to the westerly shoreline; and west of a line passing through points Nos. 32 and 35.

Point No.	Latitude	Longitude
32.....	41 01 09.2	73 53 17.0
33.....	41 01 12.8	73 53 47.0
34.....	41 02 24.0	73 53 43.5
35.....	41 02 09.0	73 53 03.0

(7) *Area No. 6.* An area in the westerly portion of the river, between Piermont Pier, New York, and Lower Nyack Landing, New York, described as follows: North of a line passing through Points Nos. 36 and 37 and extending to the westerly shoreline; east of the westerly shoreline; south of a line passing through Points Nos. 38 and 39 and extending to the westerly shore line; and west of a line passing through Points Nos. 36 and 39.

Point No.	Latitude	Longitude
36.....	41 02 55	73 53 18
37.....	41 02 52	73 54 39
38.....	41 05 13	73 54 44
39.....	41 04 52	73 53 22

(8) *Area No. 7.* An area in the westerly portion of the river between Nyack, New York, and Rockland Lake Landing, New York, described as follows: North of a line passing through Points Nos. 40 and 41 and extending to the westerly shore line; east of the westerly shore line; south of a line passing through Points Nos. 45 and 46 and extending to the westerly shore line; and west of lines joining Points Nos. 46 and 47 and Points Nos. 40 and 47.

Point No.	Latitude	Longitude
40.....	41 05 12	73 53 22
41.....	41 05 33	73 54 45

Point No.	Latitude	Longitude
45.....	41 08 43	73 54 27
46.....	41 08 47.5	73 54 17
47.....	41 07 24	73 53 25

(9) *Area No. 8.* An area along the westerly side of the river, between Rockland Lake Landing, New York, and Bowline Point, New York, shoreward of straight lines joining the following points:

Point No.	Latitude	Longitude
48.....	41 08 58	73 54 22.5
49a.....	41 09 53	73 55 06
50.....	41 11 12	73 56 45
51b.....	41 12 18	73 57 12
51b.....	41 12 14.2	73 57 19.2
51.....	41 12 15	73 57 28

(10) *Area No. 9.* An area along the westerly side of the river between Bowline Point, New York, and Grassy Point, New York, shoreward of straight lines joining the following points:

Point No.	Latitude	Longitude
51.....	41 12 15	73 57 28
51b.....	41 12 14.2	73 57 19.2
51b.....	41 12 18	73 57 12
51a.....	41 13 29	73 57 42
51a.....	41 13 27	73 57 49

(11) *Area No. 10.* An area along the westerly side of the river between Grassy Point, New York, and Stony Point, New York, shoreward of straight lines joining the following points:

Point No.	Latitude	Longitude
51a.....	41 13 27	73 57 49
51a.....	41 13 29	73 57 42
52.....	41 14 27	73 58 08

(12) *Area No. 11.* An area along the easterly side of the river between Croton Point, New York, and Montrose Point, New York, shoreward of straight lines joining the following points:

Point No.	Latitude	Longitude
64.....	41 10 05	73 53 57
64A (Hudson River, Buoy No. 10).....	41 10 08	73 54 43
65 (Hudson River, Buoy No. 12).....	41 10 50	73 55 20
66A (Hudson River, Buoy No. 14).....	41 11 43	73 56 10
67.....	41 14 14	73 57 04

(13) *Area No. 12.* An area along the easterly side of the river between Phillipse Manor, New York, and Croton Point, New York, shoreward of straight lines joining the following points:

Point No.	Latitude	Longitude
60.....	41 05 25	73 52 35
61A (Hudson River, Buoy No. 4).....	41 06 47.5	73 52 37.5
62 (Hudson River, Buoy No. 6).....	41 08 17	73 52 46
63 (Hudson River, Buoy No. 8).....	41 09 01	73 53 09
64A (Hudson River, Buoy No. 10).....	41 10 08	73 54 43
64.....	41 10 05	73 53 57

(14) *Area No. 13.* An area along the easterly side of the river between Kingsland Point, New York and Tarrytown, New York, shoreward of straight lines joining the following points:

Point No.	Latitude	Longitude
56.....	41 04 35	73 52 18
57.....	41 04 25	73 52 37
58.....	41 04 57	73 52 40
59.....	41 04 48	73 52 18

(15) *Area No. 14.* An area along the easterly side of the river between Tarrytown, New York, and Irvington, New York, shoreward of straight lines joining the following points:

Point No.	Latitude	Longitude
53.....	41 02 40	73 52 32
54A (Hudson River, Buoy No. 2).....	41 03 35	73 52 32
55.....	41 04 14	73 52 35

(16) *Area No. 15.* An area along the easterly side of the river between Irvington, New York, and Dobbs Ferry, New York, shoreward of straight lines joining the following points:

Point No.	Latitude	Longitude
68.....	41 02 06.5	73 52 35.0
70.....	41 01 46.8	73 52 41.0
71.....	41 01 09.0	73 52 47.3

(17) *Area No. 16.* An area along the easterly side of the river between Dobbs Ferry, New York, and Hastings on Hudson, New York, shoreward of straight lines joining the following points:

Point No.	Latitude	Longitude
72.....	41 01 0.5	73 52 48.5
73.....	41 00 40.5	73 52 56.0
74.....	41 00 18.9	73 53 05.2
75.....	40 59 46.8	73 53 12.5

(18) *Area No. 17.* An area along the easterly side of the river between Hastings on Hudson, New York, and Glenwood Avenue, Yonkers, New York, shoreward of straight lines joining the following points:

Point No.	Latitude	Longitude
76.....	40 59 10.8	73 53 14.0
77.....	40 58 28.0	73 53 26.9
78.....	40 57 49.0	73 53 36.0
79.....	40 57 27.0	73 53 51.4
80.....	40 57 07.2	73 54 00.5

(19) *Area No. 18.* An area along the easterly side of the river between Point Street, Yonkers, New York, and Glenwood Avenue, Yonkers, New York, shoreward of straight lines joining the following points:

Point No.	Latitude	Longitude
81.....	40 57 04.3	73 54 01.2
82.....	40 56 53.3	73 54 04.5

(20) *Area No. 19.* An area along the easterly side of the river between Glenwood Avenue, Yonkers, New York, and Babcock Place, Yonkers, New York, shoreward of straight lines joining the following points:

Point No.	Latitude	Longitude
83.....	40 56 49.5	73 54 05.2
84.....	40 56 30.8	73 54 10.8

(21) *Area No. 20.* An area along the easterly side of the river between Babcock Place, Yonkers, New York, and the Municipal Pier, Yonkers, New York, shoreward of straight lines joining the following points:

Point No.	Latitude	Longitude
85.....	40 56 28.0	73 54 11.8
86.....	40 56 06.5	73 54 18.9

(22) *Area No. 21.* An area along the easterly side of the river between the National Sugar Company, Yonkers, New York, and the north pier of the Federal

Sugar Works, Yonkers, New York, shoreward of straight lines joining the following points:

Point No.	Latitude	Longitude
87.....	40 55 59.0	73 54 19.0
88.....	40 55 50.3	73 54 22.0

(23) *Area No. 22.* An area along the easterly side of the river between the north pier of the Federal Sugar Works, Yonkers, New York, and Ludlow, Yonkers, New York, shoreward of straight lines joining the following points:

Point No.	Latitude	Longitude
88.....	40 55 50.3	73 54 22.0
89.....	40 55 20.3	73 54 31.8

(24) *Area No. 23.* An area along the easterly side of the river between Ludlow, Yonkers, New York, and Spuyten Duyvil, New York City, shoreward of straight lines joining the following points:

Point No.	Latitude	Longitude
90.....	40 55 17.5	73 54 32.8
91.....	40 55 00.5	73 54 40.0
92.....	40 54 51.0	73 54 43.7
93.....	40 54 36.5	73 54 48.0
94.....	40 54 24.2	73 54 51.0
95.....	40 54 15.6	73 54 54.8
96.....	40 54 03.5	73 54 59.0
97.....	40 53 44.9	73 55 06.2
98.....	40 53 35.3	73 55 09.5
99.....	40 53 25.8	73 55 12.3
100.....	40 53 15.3	73 55 17.0
101.....	40 53 00.8	73 55 23.0
102.....	40 52 51.0	73 55 28.2

(25) *Area No. 24.* An area along the easterly side of the river between the South Ferry Rack, Dyckman Street ferry, New York City, and Fort Washington Point, New York City, shoreward of straight lines joining the following points:

Point No.	Latitude	Longitude
103.....	40 52 07.0	73 56 00.0
104.....	40 51 52.2	73 56 07.5
105.....	40 51 39.8	73 56 15.8
106.....	40 51 19.8	73 56 31.1
107.....	40 51 11.0	73 56 40.0
108.....	40 51 02.7	73 56 50.5

4. Section 206.47 is amended by revising paragraph (a), deleting paragraphs (b), (d), and (e), by revising paragraph (c) and redesignating it as

paragraph (b), and by adding a new paragraph (c) as follows:

§ 206.47 Delaware Bay, New Jersey; fish pounds.

(a) *Authority.* The approval of the Secretary of the Army is given for the erection of fish pounds, traps, and nets in Delaware Bay, in the State of New Jersey, within the following designated areas.

(b) *The areas.* The pounds, traps and nets shall be within an area extending generally southerly from Egg Island Point as follows: Beginning at Egg Island Point (latitude 39°10'30", longitude 75°08'07") and following the shoreline to North Highlands Beach (latitude 39°01'12", longitude 74°56'52"), thence following the outer limit of the oyster grounds area northwesterly to latitude 39°03'30", longitude 75°01'30", southwesterly to a point near Brandywine Shoal Light (latitude 38°59'10", longitude 75°06'50") and north-northwesterly to a point near Miah Maull Shoal Light (latitude 39°07'33", longitude 75°12'38"), and thence northeasterly along a line to the point of beginning.

(c) Fishing structure buoys or any other aids to navigation shall be as required by the U.S. Coast Guard.

5. Section 206.50 is amended as by revising paragraph (a)(1), deleting the note following (a)(1), revising paragraph (a)(2) and the note following it, deleting paragraphs (a)(3), (b) and (c), revising paragraph (d) and redesignating it as paragraph (b) and redesignating paragraphs (e) and (f) as (c) and (d) respectively. As amended, § 206.50 reads as follows:

§ 206.50 Chesapeake Bay, Maryland and Virginia, and its navigable tributaries; fishing structures.

(a) *Authority.* (1) Fishermen, oystermen, and crabbers operating under authority granted by either of the States of Maryland or Virginia are hereby authorized to construct and maintain fishing structures in Chesapeake Bay and its navigable tributaries, within areas designated by the Secretary of the Army provided there is no interference with navigation.

(2) Nothing in this section shall supersede any danger zone or restricted areas established in Chesapeake Bay and its navigable tributaries by regulations prescribed by the Secretary of the Army.

Note: Regulations governing the use of danger zones and restricted areas are contained in Parts 204 and 207 of this chapter. Copies can be secured from the district engineer, Corps of Engineers, in charge of the locality or from the commanding officer of the using agency.

**(b) Location—fishing structure limits.**

The geographic positions of control points marking the established fishing structure limits are given in paragraphs (c) and (d) of this section, and the limits are shown on United States National Ocean Survey charts. Positions of intermediate points marking the fishing structure limits which are not given may be found by referring to the charts. The points listed are connected by straight lines unless otherwise indicated. Fishing structure buoys, which are special buoys painted with horizontal black and white stripes, have been placed to mark the fishing structure limits, and regular aids to navigation are used in conjunction with the fishing structure buoys where possible. Aids to navigation used as control points may be renumbered or shifted by the Coast Guard. In such cases the fishing structure limits do not change, and the location of the control point remains fixed at the geographic position indicated. The fishing structure buoys are identified by a series of letters and numbers. The first letter preceding a number indicates the body of water, as "J2" for James River and "H2" for Hampton Roads, for buoys in the Norfolk District. The letter "B" following a number, as "1B" and "2B", indicate buoys in the Baltimore District. In localities where fishing structure limits are established, fishing structures shall not be placed outside or channelward of such limits. In localities where fishing structure limits are not established, such structures shall not be placed in dredged or natural channels or other lanes used by watercraft, or within 200 feet of the edge of any dredged channel. A clear fairway at least 200 feet wide shall be maintained from navigable channels to established boat landings. The approach to the mouth of any navigable tributary or to the mouth of any navigable branch of any tributary shall be left unobstructed. Where fishing structure limits are not established, this unobstructed approach shall lie along the channel usually followed by boats and shall have a width of not less than one-third of the width of the mouth of the tributary or branch. Within the navigable tributaries where fishing structure limits are not established, a channel in deep water of at least one-third of the total width of the waterway at the locality shall be left unobstructed.

**(c) Baltimore District—(1) West side of Chesapeake Bay north from Cove Point to Middle River.**

	Latitude	Longitude
Unmarked Point	38 23 09.8	76 22 33.8
Following line of 30-foot depth.		
"1B"	38 26 33.6	76 26 00.0
"3B"	38 31 07.8	76 28 58.8
"5B"	38 35 43.2	76 28 43.2
"6B"	38 38 39.0	76 29 12.0
"7B"	38 41 24.0	76 30 06.0
C "8B"	38 43 34.8	76 29 57.6
"8B"	38 45 12.0	76 30 00.0
No limit line.		
"9B"	38 46 06.7	76 29 43.1
"10B"	38 48 18.6	76 28 24.0
"32B"	38 49 56.4	76 27 45.6
"73"	38 51 50.1	76 27 01.1
"1"	38 52 11.7	76 28 54.2
No limit line.		
(FL R) "4"	38 54 04.6	76 28 38.4
N 2.	38 53 43.9	76 27 53.4
"11B"	38 53 13.9	76 26 13.6
C "75"	38 53 39.0	76 25 53.4
Following line of 25-foot depth to point 1,700 yards northerly of Sandy Point Light. (No limit line for a distance of 200 feet on either side of approach channel to Severn River.)		
No limit line.		
Baltimore Light.		
Unmarked Point	39 04 06.5	76 24 24.0
Do	39 06 42.0	76 24 24.0
Do	39 08 28.0	76 25 04.0
No limit line.		
Point bearing 329°45' true, 1,000 yards, from (OK, FL R) "28C".		
"19B"		
"21B"	39 14 16.7	76 19 33.8
"40B"	39 15 00.0	76 18 15.0
"2B"	39 16 15.6	76 20 02.4

**(2) Fishing area southeast of mouth of Patapsco River.**

	Latitude	Longitude
Unmarked Point	39 04 39.0	76 23 17.0
Do	39 07 36.7	76 23 17.0
"34B"	39 09 59.0	76 25 02.0
"16B"		
"15B"	39 08 49.0	76 21 07.5
"14B"	39 08 03.0	76 20 22.0
"13B"	39 05 43.0	76 20 54.0
"12B"	39 04 39.0	76 22 24.0
Thence to point of beginning.		

**(3) Fishing area east of mouth of Patapsco River.**

	Latitude	Longitude
"35B"	39 10 46.0	76 25 00.0
"18B"		
"20B"		
N 2.		
N "2A"	39 14 45.0	76 17 49.2
"22B"	39 16 13.5	76 14 23.0
"25B"	39 14 52.0	76 14 48.5
"26B"	39 12 45.0	76 15 48.0
"39B"		
"28B"	39 12 45.0	76 15 48.0

	Latitude	Longitude
"36B"		
C 5.		
"37B"		
"36B"	39 09 23.5	76 20 21.0
"17B"		
Thence to point of beginning.		

**(4) Vicinity of Pooles Island. (i) No fishing structure shall be placed or maintained within 1,000 yards of Pooles Island.**

(ii) During the period from October 2 to May 19, inclusive, fishing structures will be permitted in the following-described area southwest and west of Pooles Island: Beginning at the southernmost tip of Pooles Island; thence to Pooles Island Bar Light; thence to "41B" (latitude 39°16'28.0", longitude 76°18'25.2"); thence to N 2 (latitude 39°17'14.0", longitude 76°20'15.0"); thence to N 4 (latitude 39°17'56.0", longitude 76°19'54.0"); and thence to the point of beginning; excluding all waters within 1,000 yards of Pooles Island.

During the period from May 20 to October 1, inclusive, no fishing structures shall be placed or maintained in this area.

**(5) Upper Chesapeake Bay and tributaries within Harford and Cecil Counties. (i) Within Harford and Cecil Counties no fishing structures shall be placed or maintained more than 800 yards from shore or in water exceeding 18 feet in depth.**

(ii) North of Rocky Point no fishing structure shall be placed or maintained within 200 feet of the buoyed channel to and in Northeast River.

**(6) East side of Chesapeake Bay south from Howell Point to Maryland-Virginia boundary line.**

	Latitude	Longitude
Howell Point Light	39 22 16.8	76 06 40.9
N "20"	39 20 23.2	76 10 45.6
Bell (FL R) R "18"	39 19 46.2	76 11 33.0
"42B"		
"23B"	39 16 35.0	76 13 25.0
"24B"	39 14 54.5	76 13 58.0
Following line of 20-foot depth.		
"58B"	39 11 00.0	76 16 47.4
"59B"	39 09 37.2	76 18 11.4
"60B"	39 07 37.2	76 18 47.6
"27B"	39 05 00.0	76 16 18.0
No limit line.		
Point on line of 25-foot depth in vicinity of Bell R "2" northeast of Love Point Light.		
Following line of 25-foot depth to its intersection with north range line of measured nautical mile course at Brickhouse Bar.		

	Latitude	Longitude
Unmarked Point .....	38 56 07.6	76 22 54.0
Bloody Point Bar		
Light .....	38 50 00.0	76 23 30.0
No limit line.		
Point on line of 30-foot depth 4,500 yards northerly of N "70".		
Following line of 30-foot depth.		
N "70" .....	38 45 27.0	76 25 07.8
"28B" .....	38 41 36.0	76 24 12.0
Unmarked Point .....	38 38 25.8	76 20 25.2
Following line of 21-foot depth.		
Unmarked Point .....	38 39 25.2	76 18 05.4
No limit line.		
"61B" .....	38 39 59.0	76 17 26.0
Following line of 21-foot depth.		
"62B" .....	38 39 51.0	76 16 27.0
No limit line.		
"63B" .....	38 39 46.0	76 15 30.0
Following line of 21-foot depth.		
"64B" .....	38 39 44.0	76 12 28.0
No limit line.		
Unmarked Point .....	38 38 40.0	76 18 41.0
"4B" .....	38 36 35.4	76 20 13.8
"33B" .....	38 33 55.2	76 20 28.8
No limit line.		
Point on line of 30-foot depth approximately 3,400 yards west of "33B".		
Following line of 30-foot depth to its intersection with southerly Red Sector line of Hooper Strait Light.		
Following southerly Red Sector line of Hooper Strait Light to its intersection with line of 18-foot depth.		
Following line of 18-foot depth to its intersection with the southerly Red Sector line of Hooper Strait Light approximately 4,330 yards west by south of Hooper Strait Light.		
No limit line.		
Point on line of 18-foot depth 800 yards southwest of N 2.		
Following line of 18-foot depth to point immediately south of Holland Island Bar Light.		
No limit line.		
On a line between Holland Island Bar Light and N 2 beginning at the southerly Red Sector line approximately 3,100 yards south from Holland Island Bar Light, and ending at Maryland-Virginia boundary line.		

(7) Fishing area at mouth of Patuxent River.

	Latitude	Longitude
Point on line of 30-foot depth due west of C 3.		
Following line of 30-foot depth.		
"29B" .....	38 40 06.0	76 23 08.4
C .....	38 38 06.0	76 20 45.6
"5" .....	38 36 38.4	76 21 04.2
C 3 .....	38 35 03.6	76 23 03.6
Thence due west to point of beginning.		

(8) Pocomoke Sound.

	Latitude	Longitude
White N "A" .....	37 54 45.0	75 48 03.6
Unmarked point .....	37 56 08.4	75 44 32.4
White N "G" .....	37 57 00.0	75 43 33.0
Unmarked point .....	37 57 22.4	75 42 48.6
No limit line.		
Unmarked point .....	37 57 20.0	75 42 46.9
North End Point		
Light .....	37 56 18.5	75 43 42.5
Unmarked point .....	37 55 27.0	75 44 07.8
"30B" .....	37 54 30.0	75 46 15.0
Unmarked point .....	37 52 21.6	75 49 07.2

(9) Potomac River.

	Latitude	Longitude
Unmarked point at the intersection of the Maryland-Virginia boundary line and a line between Smith Point Light and C 1.		
C 1 .....	37 54 12.0	76 11 48.0
"43B" .....		
"44B" .....		
"45B" .....		
"46B" .....		
"47B" .....		
"48B" .....		
Unmarked Point .....	38 01 35.6	76 24 51.2
Do .....	38 00 05.9	76 27 02.8
Do .....	37 59 33.5	76 26 51.5
No limit line.		
Beacon (Fl. R) "6" .....	37 59 37.0	76 27 11.3
Unmarked Point .....	38 00 00.0	76 27 19.2
Do .....	38 00 16.8	76 27 18.7
Do .....	38 01 45.2	76 25 08.7
Do .....	38 03 04.8	76 27 27.8
Do .....	38 02 08.8	76 29 55.3
Beacon (Fl.) "3" .....	38 01 51.0	76 32 12.7
No limit line.		
Unmarked Point .....	38 02 10.2	76 32 15.1
Beacon (Fl.) "2" .....	38 02 24.0	76 30 06.0
"49B" .....	38 03 17.8	76 27 50.2
"50B" .....		
(Fl.) "9" .....	38 07 05.9	76 33 19.7
"51B" .....	38 09 27.8	76 35 51.1
"52B" .....		
"53B" .....	38 11 05.9	76 44 33.5
No limit line.		
N "14" .....	38 12 05.0	76 44 36.1
Unmarked Point .....	38 12 12.3	76 43 40.0
C "1" .....	38 12 36.0	76 43 42.0
No limit line.		
Unmarked Point .....	38 12 37.5	76 43 24.0
Do .....	38 12 14.8	76 43 20.6
Do .....	38 12 23.6	76 42 11.2
N (RB) .....	38 12 42.0	76 42 12.0
No limit line.		
Unmarked Point .....	38 13 23.8	76 41 43.9
Do .....	38 12 29.5	76 41 35.2
"54B" .....	38 12 16.4	76 40 00.0

	Latitude	Longitude
"55B" .....	38 11 26.9	76 35 49.0
"56B" .....		
Unmarked Point .....	38 08 26.7	76 32 58.9
Do .....	38 06 32.4	76 30 18.6
Do .....	38 04 31.6	76 28 01.9
Do .....	38 06 03.2	76 28 32.5
Do .....	38 06 46.6	76 27 37.5
No limit line.		
Unmarked Point .....	38 07 06.2	76 27 31.2
Do .....	38 06 33.0	76 26 41.8
Do .....	38 07 56.2	76 27 09.2
No limit line.		
Unmarked Point .....	38 08 03.5	76 26 40.6
Do .....	38 04 15.1	76 25 25.0
Do .....	38 03 50.7	76 24 33.1
Do .....	38 05 27.2	76 24 43.0
No limit line.		
Unmarked Point .....	38 05 27.2	76 24 43.0
No limit line.		
Do .....	38 03 39.5	76 24 09.7
Do .....	38 01 25.9	76 19 23.4
"57B" .....	38 02 19.7	76 17 26.2

(10) West side of Chesapeake Bay north from Point Lookout to Cove Point.

	Latitude	Longitude
"57B" .....	38 02 19.7	76 17 26.2
Point No Point .....		
Light .....	38 07 42.0	76 17 24.0
Unmarked Point .....	38 17 49.4	76 22 00.0
Following line of 30-foot depth.		
Unmarked Point .....	38 18 59.0	76 22 22.1
(Fl. W) "3" .....	38 19 03.8	76 23 58.0
No limit line.		
Drum Point .....		
Light .....	38 19 06.0	76 25 18.0
"31B" .....	38 20 48.7	76 21 51.1
Following line of 30-foot depth.		
Unmarked Point .....	38 23 09.8	76 22 33.8

(11) Fishing area at mouth of Patuxent River.

	Latitude	Longitude
Unmarked Point .....	38 19 30.2	76 22 43.8
Following line of 30-foot depth.		
Unmarked Point .....	38 19 48.2	76 23 18.7
Do .....	38 20 31.6	76 21 48.8
Following line of 30-foot depth.		
Unmarked Point .....	38 19 56.9	76 21 47.4
Thence to point of beginning.		

(d) Norfolk District—(1) South side of Chesapeake Bay between Cape Henry and Willoughby Spit.

	Latitude	Longitude
Unmarked Point		
1 .....	36 55 31.3	76 02 44.8
"C1" .....	36 55 49.9	76 03 06.2
"C3" .....		
"C5" .....	36 55 30.1	76 04 35.3
Unmarked Point 2 .....	36 54 51.1	76 04 21.9
No limit line.		
Unmarked Point		
3 .....	36 54 51.1	76 06 46.7

	Latitude	Longitude
"C7"_____	36 55 52.9	76 06 07.9
"C9"_____	36 57 00.8	76 06 07.9
"C11"_____	36 57 31.1	76 08 08.9
Unmarked Point 4...	36 55 30.4	76 08 41.5
No limit line		
Unmarked Point 5...	36 55 49.6	76 11 03.7
Unmarked Point		
5A_____	36 58 05.9	76 10 27.0
"C15"_____	36 59 09.4	76 14 39.8
"C17"_____	36 59 03.4	76 17 43.3
Unmarked Point 6...	36 58 07.1	76 17 43.4

(2) Hampton Roads and James River—(i) From Craney Island Light to Jamestown Island (south side of river).

	Latitude	Longitude
Unmarked Point		
7_____	36 53 43.1	76 23 30.0
"H5"_____	36 55 38.2	76 23 21.3
"H1"_____	36 55 35.8	76 21 08.2
"H3"_____	36 56 00.0	76 21 42.9
"H7"_____	36 56 00.0	76 23 42.4
"N1"_____		
Nansemond River Light	36 54 52.3	76 26 40.2
No limit line		
"N2"_____	36 55 03.0	76 26 46.5
"H9"_____	36 56 06.1	76 24 41.8
"H11"_____		
C"1"_____	36 57 53.5	76 26 42.0
"H15"_____	36 59 06.9	76 27 56.1
Unmarked Point		
8_____	36 59 31.4	76 28 56.3
"J3"_____	37 00 32.4	76 30 15.1
Unmarked Point 9...	37 00 44.6	76 32 36.3
Unmarked Point 10...	37 00 40.3	76 33 52.0
No limit line		
Unmarked Point 11...	37 00 45.0	76 33 52.4
Unmarked Point		
12_____	37 00 49.3	76 32 36.7
"J5"_____	37 00 49.5	76 31 09.0
"J7"_____	37 01 50.2	76 33 21.2
"J13"_____	37 02 50.9	76 35 33.5
"J15"_____	37 02 58.0	76 36 57.2
"J17"_____	37 02 57.1	76 38 31.5
"J19"_____	37 03 09.0	76 39 06.9
"J21"_____	37 03 59.3	76 39 29.6
Unmarked Point		
12A_____	37 05 24.5	76 38 40.3
C"25"_____	37 09 12.7	76 38 35.1
"J29"_____	37 11 17.0	76 39 45.0
"J41"_____	37 12 21.5	76 41 27.0
Unmarked Point 13...	37 11 50.6	76 43 00.5
Unmarked Point 14...	37 10 27.6	76 44 56.5

(ii) North side of James River from Jamestown Island to Newport News.

	Latitude	Longitude
Unmarked Point 15...	37 11 14.0	76 45 25.0
Unmarked Point 16...	37 10 59.3	76 44 25.2
Unmarked Point 17...	37 11 56.6	76 43 05.2
Unmarked Point 18...	37 12 51.7	76 40 21.8
Unmarked Point 19...	37 12 47.4	76 39 40.4
Unmarked Point 20...	37 12 29.7	76 39 12.1
Unmarked Point 21...	37 11 59.1	76 38 33.2
Unmarked Point 22...	37 11 31.1	76 38 05.2
Unmarked Point 23...	37 10 45.8	76 37 50.0
Unmarked Point 24...	37 09 56.1	76 37 57.1
Unmarked Point 25...	37 09 57.4	76 37 29.4
No limit line		
Unmarked Point		
26_____	37 09 51.5	76 37 26.9
"J30"_____	37 09 50.1	76 37 58.0
Deep Water Shoals Light	37 08 55.4	76 38 13.7
"J22"_____	37 07 11.3	76 38 14.1

	Latitude	Longitude
Unmarked Point		
29_____	37 03 21.8	76 35 30.5
N "12"_____	37 03 12.0	76 34 45.0
(FL R) "10"_____	37 03 15.0	76 33 35.5
N "8"_____	37 01 44.0	76 31 12.9
Bell (FL R) "6"_____	37 01 13.5	76 30 17.5
Unmarked Point 30...	37 00 14.0	76 29 03.0
Unmarked Point		
31_____	36 59 34.5	76 25 54.5

(iii) James River, fishing area northeast of Naseway Shoal.

	Latitude	Longitude
"H14"_____	36 59 00.5	76 27 24.1
Unmarked Point		
32_____	36 59 36.3	76 28 52.0
"J1"_____	37 00 31.5	76 30 03.1
Unmarked Point 33...	37 00 07.0	76 28 14.4
Thence to "H14"_____		

(iv) James River, White Shoal fishing area.

	Latitude	Longitude
"J2"_____	37 00 46.0	76 29 54.5
"J4"_____	37 00 46.7	76 30 40.7
"J6"_____	37 01 26.0	76 32 06.3
"J8"_____	37 02 05.3	76 33 31.9
"J10"_____	37 02 45.9	76 35 00.2
"J25"_____	37 03 00.2	76 34 59.9
"J23"_____	37 03 02.0	76 34 18.0
"J11"_____	37 02 51.0	76 33 29.5
"J9"_____	37 01 33.0	76 31 23.0
Thence to "J2"_____		

(v) James River, Point of Shoals fishing area.

	Latitude	Longitude
"J12"_____	37 02 56.8	76 35 33.4
"J14"_____	37 03 03.9	76 36 56.9
"J16"_____	37 03 03.0	76 38 30.0
"J18"_____	37 03 13.5	76 39 01.0
"J20"_____	37 03 59.0	76 39 21.6
Unmarked Point		
33A_____	37 05 23.0	76 38 33.0
Unmarked Point		
33B_____	37 06 40.2	76 38 27.8
Unmarked Point		
34_____	37 07 02.5	76 38 17.9
"J27"_____	37 03 11.4	76 35 33.0
Thence to "J12"_____		

(vi) James River, fishing area northeast of Hog Island.

	Latitude	Longitude
"J24"_____	37 09 48.0	76 38 43.3
"J26"_____	37 11 22.6	76 39 36.0
"J28"_____	37 12 25.8	76 41 15.8
"J39"_____	37 12 44.5	76 40 19.8
Unmarked Point		
35_____	37 12 40.7	76 39 43.9
"J37"_____	37 12 24.5	76 39 17.8
"J35"_____	37 11 54.4	76 38 39.6

	Latitude	Longitude
Unmarked Point		
36_____	37 11 27.9	76 38 13.1
"J33"_____	37 10 45.3	76 37 58.8
"J31"_____	37 09 47.4	76 38 07.1
Thence to "J24"_____		

(vii) James River, approach channel to Chickahominy River.

	Latitude	Longitude
"J43"_____	37 13 21.9	76 48 20.9
"J45"_____		
"J47"_____	37 14 07.0	76 50 21.4
"J49"_____	37 14 03.3	76 51 41.5
"J51"_____	37 14 10.7	76 52 29.0
No limit line		
"J40"_____	37 14 15.0	76 52 17.9
"J38"_____	37 14 09.3	76 51 41.0
"J36"_____	37 14 13.0	76 50 20.0
"J34"_____		
"J32"_____	37 13 25.0	76 48 11.7

(viii) James River, area in vicinity of Jordan Point, fishing prohibited.

	Latitude	Longitude
Unmarked Point 37...	37 18 15.7	77 12 19.3
Unmarked Point 38...	37 18 18.0	77 12 17.0
Unmarked Point 39...	37 18 56.8	77 13 18.1
Following line of 25-foot depth.		
Unmarked Point 40...	37 18 19.5	77 14 54.2
Unmarked Point 41...	37 17 47.2	77 14 46.8

(ix) Hampton Roads, Newport News to Hampton Creek.

	Latitude	Longitude
Unmarked Point		
42_____	36 58 08.5	76 24 29.3
"H2"_____	36 57 36.2	76 24 34.0
"H4"_____	36 57 51.0	76 22 31.0
"H13"_____		
C"1"_____	37 00 11.5	76 20 31.4
Unmarked Point 43...	37 00 47.4	76 20 31.0

(x) Hampton Roads, Hampton Bar fishing area.

	Latitude	Longitude
"H6"_____	36 58 07.6	76 22 02.5
"H8"_____		
"H10"_____	37 00 11.3	76 20 16.6
Unmarked Point		
44_____	37 00 02.2	76 19 24.4
N "14"_____	36 59 45.3	76 19 25.4
N "16"_____	36 59 16.1	76 20 21.6
N "18"_____	36 58 46.2	76 21 06.2
Thence to "H6"_____		

(3) West side of Chesapeake Bay north from Old Point Comfort to York River, including Back River.



	Latitude	Longitude
Unmarked Point 45.	37 00 30.0	76 18 05.0
Unmarked Point 46.	37 00 38.0	76 17 42.0
Unmarked Point		
47.	37 01 00.0	76 17 15.0
"B1"	37 01 00.0	76 16 19.5
"B3"		
"B5"		
"B7"		
Bell (Fl. W) "1"	37 05 33.9	76 14 57.0
"B9"	37 05 45.6	76 15 37.0
(Fl. W) "7"	37 06 21.9	76 16 17.1
(Fl. G) "9"	37 06 30.2	76 16 37.8
(Fl. W) "11"	37 06 35.8	76 17 26.8
Unmarked Point 48.	37 06 32.7	76 17 34.2
Unmarked Point 49.	37 06 21.8	76 17 16.0
No limit line.		
Unmarked Point 50.	37 06 22.8	76 17 43.8
(Fl. W) "13"	37 06 29.3	76 17 42.4
Unmarked Point 51.	37 06 19.1	76 18 12.6
Unmarked Point 52.	37 06 16.1	76 18 24.8
Unmarked Point 53.	37 06 13.4	76 18 46.7
Unmarked Point 54.	37 06 10.6	76 19 05.8
Unmarked Point 55.	37 06 09.8	76 19 41.0
Unmarked Point 56.	37 05 21.3	76 20 01.8
(Fl. G) "29"	37 04 35.6	76 20 24.7
Unmarked Point 57.	37 04 08.9	76 20 57.9
No limit line.		
Unmarked Point 58.	37 05 11.0	76 20 21.9
Unmarked Point 59.	37 05 17.6	76 20 11.0
Unmarked Point 60.	37 05 23.1	76 20 07.5
Unmarked Point 61.	37 05 59.3	76 19 52.5
Unmarked Point 62.	37 05 54.2	76 20 12.1
Unmarked Point 63.	37 05 38.1	76 20 35.0
No limit line.		
Unmarked Point 64.	37 05 41.8	76 20 39.1
Unmarked Point 65.	37 06 09.2	76 20 00.1
Unmarked Point 66.	37 06 14.7	76 19 41.3
Unmarked Point 67.	37 06 18.1	76 18 49.2
Unmarked Point 68.	37 06 27.7	76 19 08.9
No limit line.		
Unmarked Point 69.	37 06 37.0	76 19 00.0
Unmarked Point 70.	37 06 20.4	76 18 30.4
Unmarked Point 71.	37 06 23.8	76 18 14.5
(Fl. R) "10"	37 06 40.4	76 17 27.9
Unmarked Point 72.	37 06 35.5	76 16 34.5
Unmarked Point 73.	37 06 27.2	76 16 13.8
Unmarked Point 74.	37 06 05.6	76 15 46.8
"B13"	37 05 58.2	76 14 53.6
"B15"		
"B17"		
"B19"		
"B21"		
"Y3"	37 12 20.6	76 17 26.5
"Y5"	37 13 27.8	76 19 21.9
"Q1"	37 12 33.8	76 20 17.7
"Q3"	37 11 41.1	76 21 12.2
"Q5"	37 10 48.3	76 22 06.7
Poquoson River		
Entrance		
Light 11.	37 09 53.0	76 23 03.0
Unmarked Point		
"74A"	37 09 44.5	76 22 38.0
No limit line.		
Bennett Creek Light		
2.	37 09 30.8	76 22 37.0
Poquoson River		
Daybeacon 13.	37 09 58.0	76 23 28.0
Poquoson River		
Light 15.	37 10 06.5	76 24 08.0
No limit line.		
Poquoson River		
Light 14.	37 10 07.5	76 23 35.0
Poquoson River		
Entrance Lighted		
Buoy 10.	37 10 02.0	76 23 06.5
Poquoson River		
Entrance.		
Buoy 8.	37 10 53.0	76 22 13.8
Poquoson River		
Entrance Lighted.		
Buoy 6.	37 11 45.8	76 21 19.3
Poquoson River		
Entrance.		
Buoy 4.	37 12 38.5	76 20 24.8
Poquoson River		
Entrance Lighted.		
Buoy 2.	37 13 31.3	76 19 30.3
"Y9"	37 13 56.5	76 21 10.4

(4) Chesapeake Bay, fishing area southeast of mouth of Back River.

	Latitude	Longitude
"C19"	37 00 38.0	76 16 11.0
"B2"		
"B4"		
"B6"		
"B8"	37 05 29.8	76 14 43.0
"B11"		
"C27"	37 04 40.0	76 11 53.3
"C25"		
"C23"	37 02 21.8	76 12 24.4
"C21"		
Thimble Shoal Light	37 00 51.7	76 14 25.1
Thence to "C19".		

(5) Chesapeake Bay, fishing area east of mouth of Back River.

	Latitude	Longitude
"B12"	37 05 53.0	76 14 36.0
"B14"		
"B16"		
"B18"		
"B20"		
"Y1"	37 12 05.5	76 17 05.4
"C35"	37 08 52.5	76 12 12.5
"C33"	37 07 48.8	76 12 05.7
"C31"		
"C29"	37 05 03.7	76 11 48.0
"B10"		
Thence to "B12".		

(6) York River, above King Creek.

	Latitude	Longitude
North end of		
L-shaped pier,		
King Creek.	37 17 41.1	76 35 18.3
C"35"	37 19 22.9	76 36 03.6
C"37"	37 21 03.5	76 37 20.2
C"41"	37 22 20.3	76 38 42.2
C"43"	37 23 43.5	76 40 05.1
"Y11"	37 24 48.8	76 41 16.3
"Y13"	37 25 51.0	76 42 31.2
"Y15"	37 26 53.0	76 43 46.7
York River Channel		
Buoy 47.	37 28 48.3	76 44 57.1
York River		
Light 51.	37 29 44.6	76 46 55.1
"Y17"	37 30 06.9	76 47 15.2
C"59"	37 30 52.5	76 47 41.0
Unmarked Point 75.	37 32 01.7	76 48 29.6
No limit line.		
Unmarked Point 76.	37 31 40.2	76 47 57.5
"Y18"	37 30 31.7	76 47 17.9
Unmarked Point 77.	37 31 40.8	76 47 28.4
No limit line.		
Unmarked Point		
78.	37 31 43.9	76 47 19.3
N"54"	37 30 13.5	76 47 05.1
N"50"	37 29 50.5	76 46 39.3
Bells Rock		
Light.	37 20 00.0	76 45 00.0
"Y16"	37 26 53.1	76 43 34.1
"Y14"	37 25 56.7	76 42 17.6
N"44"	37 25 11.4	76 41 25.0
Puritan Bay		
Light "42"	37 23 25.4	76 39 28.0
"Y12"	37 22 03.2	76 38 03.0
"Y10"	37 20 14.0	76 36 13.0
Pages Rock Light.	37 18 39.2	76 35 12.9

(7) Chesapeake Bay, fishing area southeast of mouth of York River.

	Latitude	Longitude
"C37"	37 09 42.3	76 12 17.9
"Y2"	37 12 56.4	76 17 10.8
"M3"	37 14 18.9	76 15 29.5
"M1"		
"C39"	37 11 28.0	76 12 29.3
Thence to "C37".		

(8) Chesapeake Bay, fishing area east of mouth of York River.

	Latitude	Longitude
"C41"	37 12 09.0	76 12 33.7
"M2"		
"M4"	37 14 35.9	76 15 08.7
"M23"		
"M25"		
"M27"		
"C47"	37 17 30.3	76 11 34.4
"C45"		
"C43"		
Thence to "C41".		

(9) West side of Chesapeake Bay north from York River to Wolf Trap Light, including Mobjack Bay.

	Latitude	Longitude
Unmarked Point		
79.	37 15 07.0	76 22 42.0
"Y8"	37 14 35.4	76 20 50.6
"Y6"	37 14 03.9	76 19 11.2
"Y4"	37 13 04.0	76 17 22.3
"M5"	37 14 26.8	76 15 39.6
"M7"		
"M9"		
"M11"		
"M13"	37 17 49.9	76 19 12.6
"M15"		
"M17"	37 20 22.7	76 22 14.8
"S1"	37 19 54.2	76 22 53.0
No limit line		
"S2"	37 19 55.9	76 23 17.0
"M19"	37 20 29.4	76 22 33.0
"M21"	37 21 22.5	76 24 58.4
No limit line		
"M20"	37 22 27.0	76 23 38.4
"M18"	37 21 21.0	76 22 00.0
East River		
Entrance Light 1.	37 21 16.9	76 21 08.5
East River Light 3.	37 22 13.2	76 20 41.1
No limit line		
Unmarked Point 80.	37 22 05.8	76 20 21.4
Unmarked Point 80.	37 21 32.5	76 20 21.4

	Latitude	Longitude
East River		
Daybeacon 2.	37 19 56.2	76 20 45.0
"M16"		
"M14"	37 18 05.3	76 18 49.9
"M12"		
"M10"		
"M8"		
"M6"	37 14 45.0	76 15 18.3
"M22"		
"M24"		
"M26"		
"C47A"	37 17 50.2	76 11 30.7
"C49"		
"C51"		
"C51A"		
"C51B"	37 23 29.6	76 10 27.9



(10) West side of Chesapeake Bay  
north from Wolf Trap Light to  
Maryland-Virginia State border.

	Latitude	Longitude
"C51B"_____	37 23 29.6	76 10 27.9
"C63"_____		
"C65"_____		
"C57"_____		
"C59"_____		
"C61"_____	37 32 15.8	76 11 30.1
"R1"_____	37 33 34.8	76 13 25.0
Piankatank River		
Lighted Buoy 1____	37 33 34.8	76 13 25.0
"P1"_____		
C "3"_____	37 31 45.9	76 18 20.0
No limit line_____		
Unmarked Point		
81_____	37 32 05.1	76 18 32.0
"P4"_____		
Piankatank River		
Lighted Buoy 4____		
"R3"_____	37 33 54.9	76 13 31.5
"R5"_____		
Rappahannock		
River Daybeacon		
7_____	37 35 10.0	76 19 45.0
No limit line_____		
N "2"_____	37 36 06.8	76 21 20.6
Rappahannock		
River Entrance		
Buoy 6_____		
Unmarked Point 83.	37 34 49.6	76 14 51.1
Unmarked Point		
84_____	37 37 19.0	76 11 37.5
"C67"_____		
"C69"_____	37 40 46.7	76 11 29.9
"F1"_____		
Unmarked Point 85.	37 40 23.3	76 15 56.6
Unmarked Point 86.	37 39 19.7	76 18 00.6
Following line of		
18-foot depth_____		
Unmarked Point 87.	37 38 45.4	76 18 59.1
No limit line_____		
Unmarked Point 88.	37 38 51.0	76 19 04.8
Following line of		
18-foot depth_____		
Unmarked Point 89.	37 39 13.9	76 19 04.5
No limit line_____		
Unmarked Point 90.	37 39 19.8	76 19 01.5
Following line of		
18-foot depth_____		
Unmarked Point 91.	37 40 07.2	76 18 16.0
No limit line_____		
Unmarked Point 92.	37 40 18.0	76 18 25.0
Following line of		
18-foot depth_____		
Unmarked Point 93.	37 40 51.1	76 16 22.1
Dividing Creek Light		
3_____	37 42 53.0	76 16 57.0
No limit line_____		
Unmarked Point 94.	37 42 45.4	76 16 37.2
Unmarked Point		
95_____	37 40 52.4	76 16 02.6
"F2"_____		
"C71"_____	37 41 16.5	76 11 28.7
"C73"_____		
"C75"_____	37 46 58.2	76 12 13.0
C "3"_____	37 47 45.8	76 15 27.4
No limit line_____		
Great Wicomico		
River Light_____	37 48 15.0	76 16 04.6
"C77"_____	37 48 24.7	76 12 03.0
"C79"_____	37 50 51.3	76 11 06.2
Smith Point Light_____	37 52 47.1	76 11 02.8
C "1" on Maryland-		
Virginia State		
border_____	37 54 09.7	76 11 49.3

(11) Chesapeake Bay, fishing area  
east of mouth of Rappahannock River.

	Latitude	Longitude
Rappahannock		
River Entrance		
Buoy 4_____	37 34 45.7	76 14 30.1
"R7"_____		
"C65"_____	37 36 58.3	76 11 38.7
Rappahannock		
River Entrance		
Buoy 2_____	37 34 12.8	76 11 44.9
Thence to		
Rappahannock		
River Entrance		
Buoy 4_____		

(12) Rappahannock River in vicinity  
of Tappahannock.

	Latitude	Longitude
Unmarked Point		
96_____	37 49 28.7	76 43 58.5
"C19"_____	37 51 17.9	76 45 26.6
"R9"_____	37 51 56.8	76 48 05.3
Unmarked Point		
97_____	37 53 27.5	76 48 51.6
"C23"_____	37 53 40.3	76 47 05.1
(Fl. G) "29"_____	37 55 03.3	76 49 20.6
Unmarked Point 98.	37 55 50.3	76 51 06.9
Unmarked Point 99.	37 56 16.3	76 51 35.0
Unmarked Point		
100_____	37 57 46.9	76 51 42.0
Unmarked Point		
101_____	37 58 29.1	76 52 01.5
No limit line_____		
Unmarked Point		
102_____	37 58 30.6	76 51 54.0
Unmarked Point		
103_____	37 57 46.1	76 51 33.8
Unmarked Point		
104_____	37 56 19.3	76 51 26.9
"R12"_____	37 55 52.8	76 50 57.2
"R10"_____	37 55 09.6	76 49 18.0
"R8"_____	37 53 37.9	76 48 48.4
Unmarked Point		
105_____	37 51 59.7	76 55 58.4
"R6"_____	37 51 24.3	76 45 22.8
Unmarked Point		
106_____	37 49 31.6	76 43 48.6

(13) Chesapeake Bay, fishing area in  
vicinity of Tangier Island.

	Latitude	Longitude
Unmarked Point		
107 on Maryland-		
Virginia State		
border_____	37 56 17.1	76 05 44.8
Tangier Island		
Shoal Point Buoy		
2_____	37 47 03.6	76 05 42.0
"C34"_____	37 44 24.0	76 02 42.0
Tangier Sound		
Light_____	37 47 16.6	75 58 26.7
Prohibited Area		
A circle 1,000 yards		
in radius with its		
center at_____	37 47 54.0	76 03 48.0

(14) East side of Chesapeake Bay  
south from Onancock Creek to Cape  
Charles.

	Latitude	Longitude
"C32"_____	37 43 24.0	75 51 42.0
"C30"_____		
"R2A"_____	37 43 40.8	75 54 57.0
"C26"_____	37 38 23.2	75 57 12.1
Unmarked Point		
109_____	37 38 23.4	75 56 30.8
No limit line_____		
Unmarked Point		
110_____	37 37 36.0	75 56 00.8
"C26"_____	37 37 23.9	75 57 37.3
"C24"_____	37 32 55.2	75 59 31.2
Unmarked Point		
111_____	27 32 55.2	75 58 05.4
No limit line_____		
Unmarked Point		
112_____	37 32 10.2	75 58 24.0
"C22"_____	37 31 39.6	75 59 54.6
"C20"_____	37 28 30.7	76 00 40.6
Unmarked Point		
113_____	37 28 15.0	75 59 06.0
No limit line_____		
Unmarked Point		
114_____	37 27 40.2	75 59 19.8
"C18"_____	37 27 26.4	76 00 56.3
"C16"_____	37 24 11.3	76 01 43.7
Unmarked Point		
115_____	37 23 58.8	76 00 05.4
No limit line_____		
Unmarked Point		
116_____	37 23 07.2	76 00 21.6
"C14"_____	37 23 05.5	76 01 59.7
"C12"_____		
"C10"_____	37 15 04.2	76 03 56.4
"C8"_____	37 14 02.4	76 03 20.4
Unmarked Point		
117_____	37 14 27.1	76 02 35.7
No limit line_____		
Unmarked Point		
118_____	37 14 07.4	76 02 06.0
"C6"_____	37 13 35.1	76 03 04.6

6. Section 206.60 is revised in its  
entirety to read as follows:

§ 206.60 Winyah Bay, S.C.; fishing.

No weir, trap, pound, or sturgeon sets  
shall be located or built in such a  
manner as to obstruct or interfere with  
navigation or constructed or placed  
closer than 100' from the navigation  
channel.

7. Section 206.93 is reprinted without  
change.

§ 206.93 Puget Sound Area, Wash.; gill  
nets.

(a) *Restricted fishing area.* (1) The  
regulations in this paragraph shall  
govern fishing with gill nets within the  
waters of Puget Sound, Hood Canal,  
Possession Sound, Strait of Juan de  
Fuca, San Juan Archipelago, Georgia  
Strait, Rosario Strait, and adjacent  
waters north of latitude 47°39'42"  
(passing through West Point Light), and  
east of longitude 123°24'30" (passing  
through Ediz Point Light); exclusive of  
the waters lying within the Tulalip,  
Swinomish and Lummi Indian  
Reservations.

(2) A tug with tow, whose intended  
course will take it through waters  
occupied by gill net gear, shall sound  
one long blast, followed by one short  
blast, of a whistle or horn, and during  
darkness or fog shall, in addition,

indicate its intended course by directing a searchlight beam on such course. Gill net fishermen operating within the indicated course of the tug shall draw in their gear or otherwise maneuver to permit passage of the tug and its tow without hindrance or unreasonable delay.

(3) A tug without tow or any other vessel, if unable to determine the lay of the nets and doubt exists aboard the tug or vessel as to the best course to take, may request assistance of the nearest gill net boat which shall, without delay, drop its net and pilot the tug or vessel through. If assistance of a pilot boat is not obtainable or if nets are so concentrated as to make it impracticable to lay a course through the nets, the tug or vessel shall proceed as indicated in paragraph (a)(2) of this section for a tug with tow, and nets shall be lifted or maneuvered out of the way to permit passage of the tug or vessel without hindrance or unreasonable delay.

(4) A boat with at least one man in it capable of controlling the net shall be in constant attendance upon each net while it is laid out, except when providing pilot service as provided in paragraph (a)(3) of this section.

(b) Prohibited fishing area in Possession Sound between Mukilteo and Columbia Beach. Fishing with gill nets is prohibited within 440 yards on each side of a straight line connecting the ferry landings at Mukilteo and Columbia Beach.

Dated: October 4, 1979.

Michael Blumenfeld,  
Assistant Secretary of the Army (Civil Works).

[FR Doc. 79-34999 Filed 11-15-79; 8:45 am]

BILLING CODE 3710-92-M

## POSTAL SERVICE

### 39 CFR Part 10

#### Articles Mailed Abroad by or on Behalf of Senders in the United States

AGENCY: Postal Service.

ACTION: Final rule.

**SUMMARY:** This rule amends Part 661 of Postal Service Publication 42, *International Mail*, which specifies the conditions under which items for delivery in the United States mailed in another country by or on behalf of senders resident in the United States are subject to the payment of United States postage. Prior to this change Part 661 provided that such items mailed within a 30-day period were subject to the payment of United States postage if (a) in excess of 200 items when the foreign

postage rate was lower than the comparable U.S. domestic rate, or (b) in excess of 5,000 items regardless of the foreign postage rate. This provision was intended to waive, with respect to such mailings below these levels, the rights of the Postal Service under article 20 of the Universal Postal Convention to collect postage on such items.

The Postal Service recently discovered that certain domestic mailers and mailing services were exploiting Part 661 by using its limits to make large volume mailings from Mexico, often disguised as mail originating in Mexico. In order to facilitate identification of such mailings and collection of United States postage, the Postal Service has amended Part 661 by adopting language which generally conforms to article 20 of the Universal Postal Convention.

**EFFECTIVE DATE:** December 16, 1979.

**FOR FURTHER INFORMATION CONTACT:** Bruce S. Hirt (202) 245-4518.

**SUPPLEMENTARY INFORMATION:** On August 14, 1979, the Postal Service published in the Federal Register 44 FR 47556-47557, proposed changes to Part 661 of Postal Service Publication 42, *International Mail*, as described above. Interested persons were invited to submit written comments concerning the proposed changes by September 12, 1979.

Comments were received from one individual. The commenter opposed the rule change on the ground that the proposed amendments would require both foreign and domestic postage to be paid by individuals traveling abroad as tourists and in certain other situations where only the foreign postage should be applicable.

It appears that the commenter has generally misunderstood the purpose of the amendments. The August 14 notice of proposed rulemaking explained that the intent of the change is to facilitate the identification of and the collection of postage on large volume mailings which certain domestic bulk mailers have been mailing from foreign countries in order to avoid payment of domestic postage. The amendment is not intended to and would not affect legitimate international mailings such as those of U.S. citizens traveling abroad, or those of foreign subsidiaries of U.S. companies making mailings on their own behalf rather than on behalf of the U.S. parent.

For these reasons, and after careful consideration of the comments received, the Postal Service hereby adopts, without change, the following revision of Postal Service Publication 42:

## SUBCHAPTER 660—ARTICLES MAILED ABROAD BY OR ON BEHALF OF SENDERS IN THE UNITED STATES

### PART 661—SCOPE AND APPLICABILITY

Revise §§ 661.1 and 661.2 to read as follows:

#### § 661.1 Mailings affected.

The special conditions described in this subchapter apply to items of mail posted in foreign countries by or on behalf of persons or firms whose residence or place of business is in the United States.

#### § 661.2 Postage payment requirement.

Payment of United States postage is required to secure delivery of items of mail described in § 661.1 under the following circumstances:

(a) When the foreign rate of postage applied to such items is lower than the comparable United States domestic rate of postage.

(b) When 1000 or more such items are mailed, regardless of whether the foreign postage rate is lower than the comparable United States domestic rate.

A transmittal letter making these changes in the pages of Postal Service Publication 42, *International Mail*, will be published and will be transmitted to subscribers automatically. These changes will be published in the Federal Register as provided in 39 CFR 10.3.

(39 U.S.C. 401, 404, 407)

W. Allen Sanders,  
Associate General Counsel, General Law and Administration.

[FR Doc. 79-35325 Filed 11-15-79; 8:45 am]

BILLING CODE 7710-12-M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 81

[FRL 1351-1]

#### Designation of Areas for Air Quality Planning Purposes; Redesignation of Attainment Status: Tulare County, Calif.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final Rulemaking.

**SUMMARY:** This notice revises the attainment status designation of Tulare County, California for carbon monoxide (CO). The revision is the result of the absence since 1975 of detected violations of the National Ambient Air Quality Standard (NAAQS) for CO in Tulare County. Tulare County is

redesignated from nonattainment to attainment for CO.

**EFFECTIVE DATE:** November 16, 1979.

**FOR FURTHER INFORMATION CONTACT:** Rodney L. Cummins, Chief, Technical Analysis Section (A-4-3), Air Technical Branch, Air and Hazardous Materials Division, EPA Region IX, 215 Fremont Street, San Francisco, CA 94105, Phone: (415) 556-2002.

**SUPPLEMENTARY INFORMATION:** The Clean Air Act (CAA) Amendments of 1977, Pub. L. 95-95, added to the CAA section 107(d), which directed each State to submit to the Administrator a list of the NAAQS attainment status of all areas within the State. The Administrator was required under section 107(d)(2) to promulgate the State lists, with any necessary modifications. For each NAAQS, areas are classified as either (1) not attaining the standard or, for certain pollutants, projected not to maintain the standard (nonattainment areas), (2) meeting the standard (attainment areas), or (3) lacking sufficient data or information to be classified (unclassified areas). The EPA published these lists on March 3, 1978 (43 FR 8962). At that time Tulare County was classified nonattainment for CO.

Under section 107(d)(5) of the CAA, as amended, a state may revise its designations of attainment status and submit them to the EPA for promulgation. On March 19, 1979, the State of California requested redesignation of Tulare County as attainment for CO. The State noted that since 1975 no violations of the NAAQS for CO have been detected in Tulare County.

On August 15, 1979 (44 FR 47778), the EPA published a Notice of Proposed Rulemaking, proposing to redesignate Tulare County as attainment for CO and inviting public comments on that proposal. No comments were received.

Based upon a review of the CO air quality data for Tulare County, the EPA finds that the NAAQS for CO have been attained.

As a result of this redesignation, the State of California is no longer subject to the requirements of Title I, Part D (Plan Requirements for Nonattainment Areas) of the CAA, as amended, for CO in Tulare County.

The EPA has determined that this document is not a significant regulation and does not require preparation of a regulatory analysis under Executive Order 12044.

**Authority:** Sections 107(d) and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7407(d) and 7601(a)).

**Dated:** November 13, 1979.

Douglas M. Costle,  
*Administrator.*

Subpart C of part 81 of Chapter I, Title 40 of the Code of Federal Regulations, is amended as follows:

**§ 81.305 [Amended]**

1. In § 81.305—California, the attainment status designation table for CO is amended as follows:

A. In the California—CO table published in the Federal Register on March 19, 1979 (44 FR 16388), the designation of Tulare County is amended. The amended portion of the CO table for § 81.305 reads as set forth below:

California—CO				
Designated area	Does not meet "primary standards"		Cannot be classified or better than national standards	
* * *	*	*		
Tulare County			X	
* * *	*	*		

[FR Doc. 79-35420 Filed 11-15-79; 8:45 am]  
BILLING CODE 6560-01-M

**INTERSTATE COMMERCE COMMISSION**

**49 CFR Part 1064**

[Ex Parte MC 95 (Sub-2)]

**Practices of Motor Common Carriers of Passengers—Checked Baggage Liability Provisions**

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Final rule.

**SUMMARY:** A final rule is being adopted, which is an amendment of the present regulations at 49 CFR 1064.1. It requires that motor common carriers of passengers provide excess value insurance coverage on checked baggage of excess value at added costs to passengers, in addition to the regular free baggage allowance included in the passenger fare. The regulations are ambiguous in this respect and the carriers have taken advantage of this ambiguity in many instances in order not to provide for declarations of excess value.

**EFFECTIVE DATE:** January 1, 1980.

**FOR FURTHER INFORMATION CONTACT:** Harvey Gobetz (202) 275-7856.

**SUPPLEMENTARY INFORMATION:** This proceeding was instituted by notice of proposed rulemaking, published in the

Federal Register on September 28, 1978 (43 FR 44558), to determine whether the regulations in part 1064 need to be amended to more clearly reflect the intent of the proceeding in which they were prescribed, No. MC-C-6829, that passenger carriers should provide for the declaration of value on baggage in excess of the free allowance of \$250.

The regulations are ambiguous in this respect and the carriers have taken advantage of this ambiguity in many instances in order not to provide for declarations of excess value.

After review of the four comments filed in response to the above notice and of the No. MC-C-6829 proceeding, it was decided that the regulations should be amended.

Complete copies of the decision in this proceeding can be obtained from the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Accordingly, Chapter X of Title 49 of the Code of Federal Regulations is amended by substituting the following part 1064.1 for the current regulation in that part:

**§ 1064.1 Minimum permissible limitations for baggage liability.**

Motor common carriers of passengers and baggage subject to 49 U.S.C. 10521 may not publish tariff provisions limiting their liability for loss or damage to baggage checked by a passenger transported in regular route or special operations unless:

(1) The amount for which liability is limited is \$250 or greater per adult fare, and

(ii) the provisions permit the passenger, for an additional charge, to declare a value in excess of the limited amount, and allow the passenger to recover the increased amount (but not higher than the actual value) in event of loss or damage. The carriers may publish a maximum value for which they will be liable, but that maximum value may not be less than \$2,000. Appropriate identification must be attached securely by the passenger to each item of baggage checked, indicating in a clear and legible manner the name and address to which the baggage should be forwarded if lost and subsequently recovered. Identification tags shall be made immediately available by the carriers to passengers upon request.

Issued under the authority in 49 U.S.C. 101-119 and 5 U.S.C. 553.

Decided: September 12, 1979.

By the Commission, Chairman O'Neal, Vice Chairman Stafford, Commissioners Gresham, Clapp, Christian, Trantum,

Gaskins, and Alexis, Commissioner  
Alexis not participating.  
Agatha L. Mergenovich,  
Secretary.

[FR Doc 79-35430 Filed 11-15-79; 8:45 am]  
BILLING CODE 7035-01-M

Dated: November 14, 1979.  
Stanley Sommerfield,  
Director.

Approved:  
Richard J. Davis,  
Assistant Secretary.

[FR Doc. 79-35636 Filed 11-15-79; 10:40 am]  
BILLING CODE 4810-25-M

## DEPARTMENT OF THE TREASURY

### Foreign Assets Control Office

#### 31 CFR Part 535

#### Iranian Assets Control Regulations

**AGENCY:** Office of Foreign Assets  
Control.

**ACTION:** Final rule.

**SUMMARY:** The Office of Foreign Assets Control is amending the Iranian Assets Control Regulations (44 FR 65956, Nov. 15, 1979) by the addition of new § 535.902. The purpose of the amendment is to license U.S.-owned or controlled foreign firms such as overseas branches or subsidiaries of domestic banks, to set-off their claims against blocked accounts held by them for Iran or Iranian entities. The need for the amendment is that section 535.201 of the Regulations prohibits any debit to a blocked account, including set-offs. The effect of the amendment is that U.S.-owned or controlled firms abroad are licensed to set-off their claims against Iran or Iranian entities by debiting blocked accounts held by them for Iran or Iranian entities.

**EFFECTIVE DATE:** November 14, 1979.

**FOR FURTHER INFORMATION CONTACT:**  
Dennis M. O'Connell, Acting Chief  
Counsel, Office of Foreign Assets  
Control, Department of the Treasury,  
Washington, DC., 20220 (202) 376-0236.

**SUPPLEMENTARY INFORMATION:** Since the regulations involve a foreign affairs function, the provisions of the Administrative Procedure Act, 5 U.S.C. 553, requiring notice of proposed rulemaking, the opportunity for public participation and a delay in effective date are inapplicable.

The Iranian Assets Control Regulations are amended by the addition of § 535.902 as follows:

**§ 535.902 Sets-Offs by U.S. owned or controlled firms abroad.**

Branches and subsidiaries in foreign countries of persons subject to the jurisdiction of the United States are licensed to set-off their claims against Iran or Iranian entities by debit to blocked accounts held by them for Iran or Iranian entities.

(Secs. 201-207, 91 Stat. 1626; 50 U.S.C. 1701-1706; E.O. No. 12170; 44 FR 65729)

# Proposed Rules

Federal Register

Vol. 44, No. 223

Friday, November 16, 1979

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF AGRICULTURE

### Food and Nutrition Service

#### 7 CFR Part 273

[Amdt. No. 154]

#### 1979 Amendments to the Food Stamp Act of 1977: Provision of Social Security Numbers; Fraud Disqualification and Recoupment, and Group Living Arrangements

##### Correction

In FR Doc. 79-33694 published on page 62862 in the issue of Wednesday, October 31, 1979 and republished on Friday, November 2, 1979 (page 63496), paragraph (b)(2)(i) of § 273.6 appeared incorrectly. It should have read as set forth below:

#### § 273.6 Social security numbers.

\* \* \* \* \*

(b) \* \* \*

(2) \* \* \*

(i) In a State where an agreement exists between the State agency and SSA which allows the State agency to complete the application for an SSN, Form SS-5, the State agency shall offer to and shall complete this form at the household's request. To complete the form, the State agency must document the verification of identity, age, and citizenship or alien status as required by SSA and forward the SS-5 to SSA. The State agency can complete the SS-5 only when this agreement between SSA and the State exists.

BILLING CODE 1505-01-M

### Agricultural Marketing Service

7 CFR Parts 1001, 1002, 1004, 1006, 1007, 1011-1013, 1030, 1032, 1033, 1036, 1040, 1044, 1046, 1049, 1050, 1062, 1064, 1065, 1068, 1071, 1073, 1075, 1076, 1079, 1094, 1096-1099, 1102, 1104, 1106, 1108, 1120, 1124-1126, 1131-1139

#### Handling of Milk in Federal Milk Marketing Areas; Prenotice of Request for Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders and Invitation To Submit Additional Proposals

7 CFR Parts	Marketing areas
1001	New England
1002	New York-New Jersey
1004	Middle Atlantic
1006	Upper Florida
1007	Georgia
1011	Tennessee Valley
1012	Tampa Bay
1013	Southeastern Florida
1030	Chicago Regional
1032	Southern Minn.
1033	Ohio Valley
1036	Eastern Ohio-Western Pennsylvania
1040	Southern Michigan
1044	Michigan Upper Peninsula
1046	Louisville-Lexington-Evansville
1049	Indiana
1050	Central Minn.
1062	St. Louis-Ozarks
1064	Greater Kansas City
1065	Nebraska-Western Iowa
1068	Upper Midwest
1071	Neosho Valley
1073	Wichita, Kansas
1075	Black Hills, S. Dakota
1076	Eastern South Dakota
1079	Iowa
1094	New Orleans-Mississippi
1096	Greater Louisiana
1097	Memphis, Tenn.
1098	Nashville, Tenn.
1099	Paducah, Kentucky
1102	Fort Smith, Ark.
1104	Red River Valley
1106	Oklahoma Metropolitan
1108	Central Arkansas
1120	Lubbock-Plainview, Texas
1124	Oregon-Washington
1125	Puget Sound, Washington
1126	Texas
1131	Central Arizona
1132	Texas Panhandle
1133	Inland Empire
1134	Western Colorado
1135	Southwestern Idaho-Eastern Oregon <sup>1</sup>
1136	Great Basin
1137	Eastern Colorado
1138	Rio Grande Valley
1139	Lake Mead

<sup>1</sup> A final decision on whether or not to adopt a proposed new order for this marketing area is pending before the Department.

AGENCY: Agricultural Marketing Service, USDA.

**ACTION:** Pre-notice of request for hearing and invitation to submit additional proposals or comments.

**SUMMARY:** This document gives notice to interested parties that the Department has been asked through a petition for rule-making to hold a public hearing to consider changes in the regulatory treatment of reconstituted milk under all Federal milk orders. It also invites interested parties to submit additional proposals relating to this issue as well as comments on whether or not such a hearing should be held. The hearing was requested by the Community Nutrition Institute (a non-profit organization specializing in food and nutrition issues), a fluid milk processor, and three individual consumers.

**DATE:** Proposals and comments should be submitted by January 15, 1980, to assure their consideration in this matter.

**ADDRESS:** Proposals and comments (four copies) should be mailed to: Deputy Administrator, Marketing Program Operations, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

**FOR FURTHER INFORMATION CONTACT:** Robert F. Groene, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (telephone: 202-447-4824).

#### SUPPLEMENTARY INFORMATION:

##### I. Request for Public Hearing

The Community Nutrition Institute (1146 19th Street NW., Washington, D.C. 20036), a fluid milk processor, and three individual consumers have requested that a public hearing be held on proposed changes in all Federal milk marketing orders. The proposals relate to the regulatory treatment of reconstituted milk products.

The petition states that the proposed changes in the current orders are necessary in that the existing regulations that relate to the pricing of reconstituted milk:

(1) Eliminate from commerce an equally nutritious but lower-cost alternative to fluid milk, thus aggravating the effects of food price inflation, especially for the poor, by adding millions of dollars to the nation's annual food bill;

(2) Are unnecessary to protect producers of fresh milk from ruinous

competition from reconstituted milk products;

(3) Are contrary to the Agricultural Marketing Agreement Act policy to protect against unreasonable fluctuations in supplies and prices;

(4) Create a barrier to the marketing of nonfat dry milk in violation of section 8c of the Agricultural Marketing Agreement Act; and

(5) Extend beyond the authority of the Secretary to regulate the price of milk substitutes made from powdered milk.

Petitioners describe "reconstituted milk products" as "dairy-derived substitutes for fluid milk." They state that such substitutes include the following products:

(1) "Reconstituted milk—manufactured by combining powdered whole milk or nonfat powder (often with butterfat or oil added) with water;"

(2) "Filled milk—manufactured by combining water with powdered milk and adding nondairy fats such as coconut oil or soybean oil."

Petitioners have requested that all orders be amended to (1) remove reconstituted milk products from the definition of "other source milk" for the purpose of eliminating the "down-allocation" of milk ingredients used in such products and (2) eliminate the requirement that processors of reconstituted milk products make a "compensatory payment" on such products assigned to Class I.

Petitioners indicate that under their proposal the reconstituted portion of fluid milk products would not be subject to the pricing provisions of the orders, except for the pricing of producer milk used to make powder. They indicate that it is their intent that a regulated handler's cost of making a reconstituted fluid skim milk product, for example, could be the following: (1) If the handler buys nonfat dry milk from another source, his cost of making the reconstituted product would be the cost of the powder, plus the cost of transporting the powder to his distributing plant, plus the cost of reconstituting the skim milk. (2) If the handler makes his own powder from producer milk, he would be required to pay producers only the lowest-class price for the milk. The handler would incur the additional costs of drying the skim milk and then reconstituting it.

Petitioners also indicate that if a handler blends reconstituted milk with fresh fluid milk, their proposed pricing would apply only to that portion of the blended product represented by the reconstituted milk. The remainder of the blended product would be priced as Class I milk. Petitioners state, however, that blended products should be adequately labeled as such so that they

cannot be sold as fresh fluid milk products.

## II. Current Treatment of Reconstituted Milk Under Federal Milk Orders

Federal milk marketing orders regulate the handling of milk in the areas they cover. They are issued by the Secretary of Agriculture in accordance with the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Each order includes provisions for a classified price plan and minimum prices that a handler must pay producers based on the way milk is used. Usually, milk used in fluid products is placed in Class I, the highest-priced class. Many of the orders have a middle class (Class II) that includes milk used in cream, cottage cheese, yogurt, and ice cream. Milk used to produce butter, cheese, nonfat dry milk, and evaporated milk is placed in Class III, the lowest-priced class. In some markets, the latter two groups of non-fluid products are included in a single, lower-priced class. Producers receive a uniform or average price based on the utilization value of milk in all classes.

Presently, each order defines reconstituted milk or skim milk that is used for fluid consumption as a "fluid milk product" and includes it in Class I, the same as fluid milk products made from raw milk. This assures that all milk products used for fluid consumption are priced at least at the minimum Class I price level.

Under each order, milk from producers is followed to its ultimate use by a plant and priced according to that use. If a handler obtains his entire supply of milk from producers and has only Class I sales, all of the milk is priced in Class I even if the handler first dries his producer milk before using it in reconstituted fluid milk products. However, a handler may use powder processed from producer milk in a prior month or powder from other Federal order markets or from unregulated sources. In this case, the orders assure that reconstituted skim milk made from such other source powder is priced on an equal basis with the price charged the handler making reconstituted skim milk from current receipts of producer milk.

Federal orders accomplish this by assigning reconstituted milk made from powder to the lower-valued uses of a handler. This process is commonly referred to as "down-allocation." If the handler does not have sufficient Class II

of Class III utilization in his plant to cover the quantity of reconstituted milk, the remainder is assigned to Class I. In that event, the handler is required to make a "compensatory payment" with respect to the quantity assigned to Class I. The payment is equal to the difference between the order's Class I and Class III prices (or Class I and Class II prices in a two-class market) and is distributed to producers supplying the Federal order market.

## III. Invitation To Submit Proposals and Comments

Before deciding whether a hearing should be held on the proposal that has been submitted, the Department is providing interested parties an opportunity to submit (1) other proposals for changing the present regulatory treatment of reconstituted milk, including conforming changes that may relate to this issue, and (2) comments on whether or not a hearing should be held on the reconstituted milk issue. Proposals and comments should be directed to, but need not be limited to, the proposal previously set forth plus the following issues that have been identified as possibly being related to such proposal:

1. Is the proposal consistent with the requirement in the Agricultural Marketing Agreement Act that milk in similar uses be priced uniformly to handlers and, if not, what order changes would be consistent with such requirement and still carry out the intent of the proposal?

2. Does the pricing of reconstituted products made entirely from powder and the pricing of blended products that contain a mixture of reconstituted milk and fresh milk present separate and distinguishable issues? If so, is there a need to consider different regulatory techniques for wholly reconstituted products versus blended products?

3. What are current State legal requirements on the processing, distribution, and labeling of wholly reconstituted products and blended products and do these requirements raise any important factors that need to be considered in conjunction with the proposal?

4. Would the adoption of the proposal result in a need for substantive or conforming changes in the various order definitions, e.g., route disposition, distributing plant, supply plant, pool plant, other source milk, and fluid milk product?

5. Would the adoption of the proposal require substantive or conforming changes in the classification provisions, e.g., classes of utilization, classification of transfers and diversions, general

classification rules, and classification of producer milk?

6. Would the adoption of the proposal require changes in either the order obligations or scope of regulation with respect to partially regulated distributing plants and producer-handlers?

7. Does the adoption of the proposal also raise the issue of the appropriateness of the current Class I differentials and location adjustments under the orders? If so, what should such Class I differentials and location adjustments be?

8. Would the adoption of the proposed pricing for reconstituted milk require a change in the classification and pricing of condensed skim milk or condensed whole milk if the condensed product is used to reconstitute milk for fluid uses?

The following additional questions have been developed in connection with the Department's efforts to analyze the potential impact of the proposed changes in the regulatory treatment of reconstituted milk. Any comments on these questions would be welcome.

1. What effect would the adoption of the proposal have on the achievement of the goals of the Agricultural Marketing Agreement Act?

2. Would the adoption of the proposal result in major adjustment costs for dairy farming and in processing facilities? Would this impact be different in different regions? How might the adjustment costs be minimized?

3. What implications would adoption of the proposal have on energy use in the processing, distribution, and transportation of all dairy products?

4. How would the adoption of the proposal affect the aggregate consumption of dairy products? Would adoption of the proposal substantially alter the utilization of milk in different products and among different income groups? What are the nutritional implications of adopting the proposal?

5. What regional implications does adoption of the proposal have for dairy farmers? What implications for producers of Grade A milk versus Grade B milk?

6. What economic implications, including those of a regional nature, does the adoption of the proposal have for consumers? What implications for fluid milk consumers versus consumers of manufactured dairy products?

7. Would the adoption of the proposal affect the dairy industry's ability to balance seasonal patterns of milk production and consumption? Would the needed reserve requirements for fluid markets be changed?

Interested parties are also invited to comment on whether a public hearing on

the reconstituted milk issue should be conducted at a single location or at several locations, and where. Such comments will be taken into consideration in deciding upon a hearing location if it is decided that a hearing should be held.

#### IV. Procedures

Interested parties desiring to submit proposals or comments should mail four copies to: Deputy Administrator, Marketing Program Operations, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250. The material should be mailed by January 15, 1980, to assure that it will be considered.

Proposals should be stated in specific terms so that the issues would be clearly set forth in a hearing notice. Also, each proposal should be accompanied by a brief but comprehensive statement on the need for the proposal. The statement will be used in deciding whether the proposal should be considered at a hearing.

If the Department concludes that a hearing should be held, all known interested parties will be mailed a copy of the hearing notice. Anyone who desires to present evidence on proposals set forth in the hearing notice will have an opportunity to do so at the hearing.

Once a hearing notice is issued and until the issuance of a final decision, Department employees involved in the decisional process may not discuss the merits of a proceeding on an ex parte basis with any person having an interest in the proceeding. For this purpose, market administrators and their staffs are considered to be involved in the decisional process. Thus, it is suggested that any discussions that interested parties may wish to have with Department personnel regarding hearing proposals and issues be initiated soon. Procedural matters may be discussed at any time.

Signed at Washington, D.C., on: November 13, 1979.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 79-35493 Filed 11-15-79; 2:45 am]

BILLING CODE 3410-02-M.

#### Farmers Home Administration

#### 7 CFR Part 1924

#### Construction and Repair; Management Assistance to Individual Borrowers and Applicants; Recordkeeping Requirements

AGENCY: Farmers Home Administration, USDA.

#### ACTION: Proposed rule.

**SUMMARY:** The Farmers Home Administration (FmHA) is considering amending its regulations pertaining to recordkeeping requirements for emergency loan borrowers. This revision will require borrowers receiving emergency loans of \$100,000 or more to use a recordkeeping system that provides a monthly cash flow statement, a change in financial position statement, balance sheets and an income statement. This action is taken because of the importance of such financial statements for loan servicing and for the borrower to better manage the farming operation. The intended effect is to improve and expedite loan servicing.

**DATES:** Comments must be received on or before January 15, 1980.

**ADDRESSES:** Submit an original and conformed copy of all written comments to the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6346, Washington DC 20250. All written comments made pursuant to this notice will be available for public inspection at the address given above.

#### FOR FURTHER INFORMATION CONTACT:

Roger H. Witt, Emergency Loan Division, FmHA, 14th and Independence Avenue SW., Washington, D.C. 20250  
Phone: 202-447-6257.

**SUPPLEMENTARY INFORMATION:** FmHA is considering revising § 1924.58(b)(3) of Subpart B, Part 1924, Chapter XVIII, Title 7 in the Code of Federal Regulations to require borrowers receiving emergency loans of \$100,000 or more to use a recordkeeping system or accounting service which provides a monthly cash flow statement, a change in financial position statement, balance sheets and an income statement. This section presently requires such a recordkeeping system or accounting service to be used by borrowers receiving emergency loans of \$250,000 or more and does not require the preparation of a change in financial position statement. The proposed revision will also encourage affected borrowers to use a computer recordkeeping system when available. Accordingly, as proposed § 1924.58(b)(3) reads as follows:

#### § 1924.58 Recordkeeping.

##### (b) Responsibilities. \* \* \*

(3) The system selected must provide, as a minimum, a record of the annual cash flow, beginning and end of year balance sheets, and an income statement. Borrowers receiving EM



loans of \$100,000 or more will be required to use a recordkeeping system or accounting service which provides, as a minimum, a monthly cash flow statement, a change in financial position statement, beginning and end of year balance sheets, and an income statement. Such borrowers will be encouraged to use a computer recordkeeping system when available.

Note.—This document has been reviewed in accordance with 7 CFR Part 1901, Subpart G, "Environmental Impact Statements." It is the determination of FmHA that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91-190, an Environmental Impact Statement is not required.

Note.—This proposal has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations." A determination has been made that this action should not be classified "significant" under those criteria. A draft Impact Analysis has been prepared and is available from the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6346, Washington, D.C. 20250.

(7 U.S.C. 1989; 42 U.S.C. 1480; 42 U.S.C. 2942; 5 U.S.C. 301; Sec. 10 Pub. L. 93-357, 88 Stat. 392; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70; delegations of authority by Dir., OEO, 29 FR 14764, 33 FR 9850)

Dated: November 6, 1979.

Gordon Cavanaugh,

Administrator, Farmers Home Administration.

[FR Doc. 79-35488 Filed 11-15-79; 8:45 am]

BILLING CODE 3410-07-M

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

#### 21 CFR Part 331

[Docket No. 79N-0152]

#### Antacid Drug Products for Over-the-Counter Human Use; Proposed Amendment of Monograph

##### Correction

In FR Doc. 79-31971 appearing at page 60328 in the issue for Friday, October 19, 1979, on page 60329, in the third column, in the third full paragraph in that column, in the last line, "(Ref. 30)" should read "(Ref. 20)".

BILLING CODE 1505-01-M

#### 21 CFR Parts 338 and 340

[Docket No. 75N-0244]

#### Nighttime Sleep-Aid and Stimulant Products for Over-the-Counter Human Use; Reopening of the Administration Record

##### Correction

In FR Doc. 79-33168 appearing at page 61610 in the issue for Friday, October 26, 1979, on page 61611, first column, seventh line from the bottom, "(D.C.C., July 16, 1979)." should read "(D.D.C., July 16, 1979)."

BILLING CODE 1505-01-M

#### 21 CFR Part 880

[Docket No. 78N-1273]

#### Medical Devices; Classification of Spinal Fluid Pressure Manometers

##### Correction

In FR Doc. 79-26040 appearing at page 49858 in the issue for Friday, August 24, 1979, on page 49859, first column, first line paragraph (b) of § 880.2500, "Class I" should read "Class II".

BILLING CODE 1505-01-M

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Office of Assistant Secretary for Housing—Federal Housing Commissioner

#### 24 CFR Part 402

[Docket No. R-79-731]

#### Tenant Participation in Multifamily Housing Projects

AGENCY: Office of Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development.

ACTION: Proposed rule.

SUMMARY: This rule is proposed to implement the requirement of the Housing and Community Development Amendments of 1978 for tenant participation in multifamily housing projects. The rule requires that mortgagors of specified insured multifamily housing projects give tenants notice of and an opportunity to comment upon major actions on which mortgagors are required to request HUD's review and approval.

The rule reflects the Department's view that tenant involvement in decisions affecting their housing environment can be beneficial.

The new part 402 implements Section 202(b)(1) of the Housing and Community Development Amendments of 1978.

DATE: Comments due: January 15, 1980.

ADDRESS: Comments should be sent to the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh street, S.W., Washington, D.C. 20410. A copy of each communication will be available for public inspection during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT: James J. Tahash, Director, Occupancy, Division, Office of Management and Occupancy, Department of Housing and Urban Development, Washington, D.C. 20410, (202) 755-5756. (This is not a toll-free number.)

##### SUPPLEMENTARY INFORMATION:

Recognizing that the cooperation and participation of tenants are essential to the successful operation of a multifamily project, the Department is establishing regulations for obtaining tenant input on project mortgagors' requests for HUD approval of major actions that would affect day-to-day operations of these projects (e.g., change in project managers, change in ownership, major physical improvement programs). It is hoped that these regulations will enable tenants to obtain a greater understanding of the operations of multifamily projects, improve communications between tenants and management, and improve the social and physical environment at these projects.

##### Inapplicability of NEPA

A finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours in the office of the Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh street, S.W., Washington, D.C. 20410.

Accordingly, the Department proposes to add a new part to Chapter IV, 24 CFR PART 402 to read as follows:

#### Part 402—TENANT PARTICIPATION IN MULTIFAMILY HOUSING PROJECTS

##### Sec.

- 402.1 Purpose.
- 402.2 Applicability.
- 402.3 Scope of participation.
- 402.4 Procedures.
- 402.5 Mortgagor's notice to tenants.
- 402.6 Materials to be made available to tenants for comment.
- 402.7 Mortgagor's certification of compliance.
- 402.8 HUD review.
- 402.9 Waivers.



Authority: Sec. 236(b) of the National Housing Act, 12 U.S.C. 1715 2-1 (b).

#### § 402.1 Purpose.

The purpose of this regulation is to recognize the importance of tenant participation in the management of multifamily housing projects and to establish regulations that will encourage tenant input and eliminate obstacles to tenant participation in major decisions related to the operation of these projects.

#### § 402.2 Applicability.

The procedures in this part apply to mortgagors of all multifamily housing projects, except cooperative housing projects, which:

- (a) Have mortgages which have received final endorsement on behalf of the Secretary and are insured under the National Housing Act, or are held by the Secretary, and which are assisted under Section 236 or the proviso of Section 221(d)(5) of the National Housing Act or under Section 101 of the Housing and Urban Development Act of 1965;
- (b) Were assisted under one or more of the above sections prior to acquisition by the Secretary and have been sold subject to a mortgage insured or held by the Secretary and an agreement which provides that the low- and moderate-income character of the project will be maintained.

#### § 402.3 Scope of participation.

Whenever a mortgagor is required to request HUD approval of one of the actions listed below, the mortgagor must complete all of the actions required by §§ 402.4 through 402.7.

- (a) Change in project manager (the individual or entity—not the resident manager—ultimately responsible to the owner for overall project management);
- (b) Approval of a management plan or management agreement, or changes to either of these documents;
- (c) Transfer of Physical Assets (i.e., change in ownership entity or change in the controlling interest of the present ownership entity or merger of projects);
- (d) Major physical alterations or improvements;
- (e) Conversion of residential units to commercial use;
- (f) Partial release of security;
- (g) Prepayment of the mortgage.

#### § 402.4 Procedures.

(a) At the same time the mortgagor submits a request for HUD approval of one of the actions listed in § 402.3, the mortgagor must notify the tenants that such a request is being made. The notice must be written in the format prescribed in § 402.5 and distributed as directed in that section.

(b) The mortgagor must provide tenants access to the materials specified in § 402.6 for a period of thirty calendar days commencing with the date the mortgagor submits the request to HUD or the date of distribution of the notice, whichever is later. The materials must be located in a place reasonably convenient to tenants in the project during normal business hours.

(c) At the expiration of the 30-day period specified in § 402.4(b), the mortgagor must transmit all tenant comments and an evaluation of those comments to the HUD field office. The tenant comments must be accompanied by the owner's certification as specified in § 402.7.

(d) After receipt of HUD's final decision on the request, the mortgagor shall notify the tenants of the decision, using one of the methods specified in § 402.5(a).

(e) In the event the field office returns the request for further information, the mortgagor may submit the required information without notifying the tenants. *Provide*. That the information requested is not among the materials which § 402.6 requires be made available to the tenants. If it is required, then it shall be made available to the tenants for a thirty-day comment period as if it were part of the original request, pursuant to paragraph (b) of this section.

#### § 402.5 Mortgagor's notice to tenants.

(a) The Notice required to be distributed to the tenants must be either: (1) Delivered by hand or by mail directly to each tenant; or (2) posted in common areas within the project, including but not limited to: The project office; laundry rooms; all dining, recreation and community rooms; and common entry ways. If posting is the method selected, the mortgagor shall take reasonable steps to assure that the notices remain intact and legible for 30 days.

(b) The Notice must be prepared in the following, or substantially equivalent, format:

##### Notice to Tenants of Request for HUD Approval of (Specify the Action)

This is to notify you that we are today requesting that the Department of Housing and Urban Development (HUD) approve (describe nature and specifics of request). Federal regulations provide that all tenants of (name of apartment complex) have a right to review and comment upon our request.

Materials required to be made available to you will be available for your inspection and copying during normal office hours (specify days and hours) for a period of 30 calendar days from the date of this Notice. Materials may be examined at (insert address). If you wish, legal or other representatives may assist you in reviewing the materials and in preparing your comments on our request. If

you wish to be represented by someone other than a legal resident of this apartment complex, you must provide us with a written statement authorizing that individual or agency to represent you.

You or your authorized representatives may submit written comments on our proposed (repeat nature of request) directly to us at (address). At the end of the 30-day comment period, we will forward all comments received to HUD. You may, however, also submit your comments directly to HUD at the address shown below:

HUD

Attn: Loan Management Branch Chief  
[Address of HUD Office]

Include name of your apartment complex [ ] and the project's FHA case number [ ] in your letter.

HUD will review your comments and the supporting material we submitted and will approve or disapprove our request. When HUD advises us in writing of its decision on our request, we will notify you of the decision.

---

Name of Mortgagor or Management Agent/  
Date

#### § 402.6 Materials to be made available to tenants for comment.

(a) The mortgagor shall assure that the materials specified in § 402.6(b) are available for review and copying by tenants and their authorized representatives. The materials must be available for a period of 30 calendar days commencing with the date of the Notice required by § 402.5.

(b) When requesting HUD approval of any of the actions described in § 402.3, the mortgagor must make available to the tenants for review at least the materials specified in the following paragraphs for the various actions as listed:

(1) When requesting HUD approval of a change in project manager, the mortgagor must make available to tenants the following materials:

- (i) Name of the proposed project manager and a brief resume of the project manager's qualifications, including a list of other housing projects (at least projects located in the same SMSA) operated by the project manager;
- (ii) Proposed Management Agreement to be executed by the mortgagor and project manager, if applicable; and
- (iii) Proposed Management Plan;

(2) When requesting HUD approval of a management plan or agreement or an amendment to an existing plan or agreement, the mortgagor must make a copy of the proposed changes and an explanation of the reasons for such changes available to the tenants.

(3) When requesting HUD approval of a change in owner entities or change in the principals of the present owner

entity or a merger of projects, the mortgagor must make available to the tenants the following:

(i) Name and resume of the new owner entity of the new principal of existing owner entity such as the president of a corporation or the general partner of a limited partnership;

(ii) A copy of the new management plan and the project rules and regulations proposed by the new owner entity/principal, if applicable;

(iii) The materials specified in subparagraph 402.6(b)(1) when a change in owner entity is accompanied by a change of managers;

(iv) Description of any physical changes the new owner entity proposes to make, a statement whether the work will be financed by project revenues, mortgagor contribution, loans or some other form of HUD-approved financing and the effect, if any, the method of financing will have on the tenants;

(v) Description of any subsidies or mortgage relief the new owner entity/principal intends to request from HUD;

(vi) Statement as to the amount of security deposits on hand, the form in which they are held and the name of the depository;

(vii) Statement as to the proposed increase in or use of the Reserve for Replacement or Residual Receipt Funds.

(viii) In addition, if a cooperative form of ownership is proposed, the following additional information must be made available to the tenants:

(A) Estimate of the demand for cooperative housing, including an estimate of the number of existing tenants interested in cooperative housing;

(B) Estimates of downpayments and carrying charges that will be required;

(C) Copies of proposed organizational documents, including By-Laws, Articles of Incorporation, Subscription Agreement, Occupancy Agreement, and Sales Documents.

(4) Whenever the mortgagor requests HUD approval of major changes in the physical structure of the project, including capital improvements, changes in the size or design of dwelling units and/or changes in the number of units available for occupancy, the mortgagor must make available to the tenants:

(i) The general plans and sketches of the alterations;

(ii) A statement as to the effect the physical alterations will have on the number of dwelling units available for occupancy, the amount of subsidy available to the project, the project

income and expenses, and the project rent schedule; and

(iii) A statement as to how the physical alterations will be financed and the effect, if any, of that method of financing on the tenants.

(5) Whenever the mortgagor requests HUD approval of a conversion of residential units to commercial use, the mortgagor shall make the following materials available to the tenants:

(i) A statement as to the types of commercial enterprise to be conducted in the premises, the name of the lessor and the period covered by the lease;

(ii) A statement as to the effect of the conversion on the number of dwelling units available for occupancy, the amount of subsidy available to the project, the project income and expenses and the project rent schedule.

(6) Whenever the mortgagor requests HUD approval of a partial release of the mortgage security, the mortgagor must make the following available to the tenants:

(i) A statement detailing what portion of the property is being released;

(ii) A statement of the mortgagor's evaluation of how the release will affect the value of the project; the project's income and expenses (including property taxes) and rental schedule;

(iii) A statement as to how the released portion will be used and who will have responsibility for the operation and maintenance of the released portion; and

(iv) A statement as to the proposed use of any remuneration received as a result of the release.

(7) Whenever a mortgagor requests HUD approval of prepayment of the mortgage, the mortgagor must make the following available to the tenants:

(i) A statement that there are vacant units in like projects in the area which have the same rental schedule for like units and that are available for immediate occupancy to tenants who might be displaced at no increase in rental costs.

(ii) A statement which gives the supporting information and reasons for the Area Office to make a determination that an overabundance of subsidized housing exists in the area and that no additional subsidized housing needs to be built until the market conditions change.

(iii) A statement to what the mortgagor intends to do with the project after the mortgage is prepaid in full, e.g., change of use.

(iv) If a condominium or cooperative

type of homeownership is proposed after prepayment, then the following information is to be made available for comment:

(a) The refinancing costs, downpayments and monthly carrying charges, as well as estimated cost of insurance and taxes, are to be provided;

(b) The proposed incorporation papers;

(c) The proposed by-laws;

(d) Other proposed legal and organizational papers;

(e) The proposed budget;

(f) The proposed promotional and sales documents.

#### § 402.7 Mortgagor's certification of compliance.

(a) Upon expiration of the 30-day period required by § 402.4(b), the mortgagor must submit the following to the HUD field office:

(1) Copy of the Notice provided to the tenants;

(2) Copies of all tenant comments received;

(3) An evaluation of those comments with respect to the request under review by HUD;

(4) Copies of all materials that were made available to tenants; and

(5) A written statement certifying that the mortgagor:

(i) Has taken reasonable steps to assure that the substance of the Notice has been conveyed to each resident household or, in cases where the Notice was posted, that the mortgagor exercised reasonable efforts to assure that the Notices were maintained intact and in legible form for the specified thirty (30) days; and

(ii) Has made copies of all materials required by § 402.6 available at a site reasonably convenient to tenants during normal business hours and that requests by tenants to inspect such materials as provided for in the Notice were honored; and

(iii) Has considered all comments received from the tenants and is transmitting all comments to HUD; and

(iv) In addition, the mortgagor must certify that "under the penalties and provisions of Title 18, United States Code, Section 1001, the statements contained in the request and this letter have been examined by me and, to the best of my knowledge and belief, are true, correct and complete."

#### § 402.8 HUD review.

When the 30 day tenant review period has expired and the mortgagor has

transmitted the materials specified in § 402.7, the HUD field office shall review the tenants' comments and will either approve, modify or disapprove the mortgagor's request. No final action may be taken with regard to the mortgagor's request prior to the end of the tenant review period and until receipt of the mortgagor's certification of compliance prepared in accordance with these regulations. The HUD field office shall notify the mortgagor in writing of its decision, and shall include in the notification the reasons for its decision in light of the tenant comments.

#### § 402.9 Waivers.

Waivers to these regulations may be granted in the following circumstances:

(a) *Change in management.* If the Department has ordered the mortgagor to replace the management for cause, or the management agent cancels the contract, ceases to exist as a management corporation, or terminates its management precipitously and such act requires immediate action on the part of the owner to replace management, the mortgagor is authorized to hire a managing agent for an interim period without following the procedures of this part in advance. The mortgagor must provide tenant input into the final selection approval process in the same manner as prescribed by this regulation for a normal change in project management. The HUD Field Office may authorize this waiver.

(b) *Any other major actions.* If the Field Office finds that it is in the best interest of the Department to waive the requirements of these regulations in a proposed transaction, then the Field Office shall make its recommendation along with supporting documentation to the Assistant Secretary for Housing-Federal Housing Commissioner. Upon completion of a determination and finding of good cause by the Assistant Secretary for Housing-Federal Housing Commissioner or his or her designee, HUD may waive any provision of this Part in any particular case subject only to statutory limitations. Each waiver shall be in writing supported by documentation of the facts and reasons which formed the basis for the waiver.

(Section 7d, Department of Housing and Urban Development Act; 42 U.S.C. 3535(d).)

Issued in Washington, D.C., October 18, 1979.

Lawrence B. Simons,  
Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 79-35263 Filed 11-15-79; 8:45 am]

BILLING CODE 4210-01-M

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Part 31

[LR-81-78]

#### Submission of Copies of Certain Withholding Exemption Certificates to the Internal Revenue Service Public Hearing on Proposed Employment Tax Regulations

**AGENCY:** Internal Revenue Service, Treasury.

**ACTION:** Public hearing on proposed regulations.

**SUMMARY:** This document provides notice of a public hearing on proposed Employment Tax Regulations which related to requiring an employer to submit copies of certain employee withholding exemption certificates to the Internal Revenue Service.

**DATES:** The public hearing will be held on January 4, 1980, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by December 10, 1979.

**ADDRESS:** The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, D.C. The outlines should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR-81-78), Washington, D.C. 20224.

**FOR FURTHER INFORMATION CONTACT:** George Bradley or Charles Hayden of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, 202-568-3935, not a toll-free call.

**SUPPLEMENTARY INFORMATION:** The subject of the public hearing is proposed regulations under sections 3401 and 3402 of the Internal Revenue Code of 1954. The proposed regulations appeared in the Federal Register for Tuesday, October 9, 1979, at page 57940 (44 FR 57940).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and also desire to present oral comments at the hearing on the proposed regulations should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by December 10, 1979. Each speaker will be limited to 10 minutes for an oral

presentation exclusive of time consumed by questions from the panel for the Government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive appearing in the Federal Register for Wednesday, November 8, 1978.

By direction of the Commissioner of Internal Revenue:

Robert A. Bley,  
Director, Legislation and Regulations Division.

[FR Doc. 79-35431 Filed 11-15-79; 8:45 am]

BILLING CODE 4830-01-M

## VETERANS ADMINISTRATION

#### 38 CFR Part 8

#### National Service Life Insurance; Insurance Payable in One Sum

**AGENCY:** Veterans Administration.

**ACTION:** Proposed Regulations.

**SUMMARY:** The proposed amendments will allow National Service Life Insurance to be payable in one sum when selected by the insured in his or her last will and testament. They will be in addition to the present portion of the regulations which allow the issuance to be payable in one sum only when selected by the insured. This amendment is proposed to eliminate hardships to beneficiaries who are limited to installment options selected by the insured many years prior to his or her death.

**DATES:** Comments must be received on or before December 17, 1979. It is proposed to make these amendments effective the date of final approval.

**ADDRESSES:** Send written comments to: Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420.

Comments will be available for inspection at the address shown above during normal business hours until December 27, 1979.

**FOR FURTHER INFORMATION CONTACT:** Mr. Murray Zuckerman, Veterans Administration Center (290B), P.O. Box 8079, Philadelphia, Pa. 19101 (215-951-5733).

**SUPPLEMENTARY INFORMATION:** A one-sum payment for United States Government Life Insurance can be made when selected by the insured in his or her last will and testament. The governing laws are similar for United States Government Life Insurance and National Service Life Insurance. The regulation changes will allow one-sum payment in related situations for National Service Life Insurance. Often there are real hardships in which beneficiaries are limited to installment options selected by the insured many years prior to his or her death. Favorable results have been obtained in settling United States Government Life Insurance in lump sums by using the last will and testament of the insured. The proposed regulation changes should also bring favorable results.

#### Additional Comment Information

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays) until December 27, 1979. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Approved: November 8, 1979.

By direction of the Administrator:

Rufus H. Wilson,  
Deputy Administrator.

#### § 8.77 [Amended]

1. Section 8.77 is amended by adding the words "or her" after the word "his" in the second sentence of paragraph (b)(1).

2. In § 8.79, Option 1 is revised to read as follows:

**§ 8.79 Optional settlements on participating National Service Life Insurance and nonparticipating Insurance.** Issued under section 602(c)(2) of the National Service Life Insurance Act, as amended, on which the requirements of good health were waived.

*Option 1: insurance payable in one sum.* Settlement under this option will be made only when selected by the insured during his or her lifetime or by

his or her last will and testament. When such selection has been made, the face amount (less any indebtedness) will be payable in one sum upon the death of the insured. (38 U.S.C. 717)

3. In § 8.80, Option 1 is revised to read as follows:

**§ 8.80 Optional settlements on insurance issued under the provisions of section 620 or 621 of the National Service Life Insurance Act, as amended, and section 722(a) of Title 38, United States Code.**

*Option 1: insurance payable in one sum.* Settlement under this option will be made only when selected by the insured during his or her lifetime or by his or her last will and testament. When such election has been made, the face amount (less any indebtedness) will be payable in one sum upon the death of the insured. (38 U.S.C. 717)

4. In § 8.80c, Option 1 is revised to read as follows:

**§ 8.80c Optional settlements on insurance issued under the provisions of section 722(b) of Title 38, United States Code.**

*Option 1: insurance payable in one sum.* Settlement under this option will be made only when selected by the insured during his or her lifetime or by his or her last will and testament. When such election has been made, the face amount (less any indebtedness) will be payable in one sum upon the death of the insured. (38 U.S.C. 717)

5. In § 8.81, Option 1 is revised to read as follows:

**§ 8.81 Optional settlements on insurance issued under the provisions of section 725 of Title 38, United States Code.**

*Option 1: insurance payable in one sum.* Settlement under this option will be made only when selected by the insured during his or her lifetime or by his or her last will and testament. When such election has been made, the face amount (less any indebtedness) will be payable in one sum upon the death of the insured. (38 U.S.C. 717)

(38 U.S.C. 210(c))

[FR Doc. 79-35422 Filed 11-15-79; 8:45 am]

BILLING CODE 8320-01-M

#### 38 CFR Part 21

#### Veterans' Education; Tutorial Assistance

**AGENCY:** Veterans Administration.

**ACTION:** Proposed Regulation.

**SUMMARY:** The proposed regulation states specifically that the Veterans Administration will not pay tutorial assistance to a veteran or eligible person if he or she is being tutored by a parent, sibling or spouse. In preventing abuse of tutorial assistance the Veterans Administration has for many years disapproved applications for tutorial assistance if the assistance was being given by a parent, sibling or spouse. The Veterans Administration's statement of this policy in the Code of Federal Regulations will better inform the public as to how the Veterans Administration determines whether a veteran or eligible person is entitled to tutorial assistance.

**DATES:** Comments must be received on or before December 17, 1979. It is proposed to make this amendment effective the date of final approval.

**ADDRESSES:** Send written comments to: Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420.

Comments will be available for inspection at the address shown above during normal business hours until December 27, 1979.

**FOR FURTHER INFORMATION CONTACT:** June C. Schaeffer, Assistant Director for Policy and Program Administration, Education and Rehabilitation Service, Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420, (202-389-2092).

**SUPPLEMENTARY INFORMATION:** Section 21.4236 is reorganized to show clearly the conditions which will preclude approval of an application of a veteran or eligible person for tutorial assistance. Approval is prohibited when the tutoring is being done by a parent, sibling or spouse.

This proposed regulation does not meet the Veterans Administration's established criteria for significant regulations. It will affect some veterans, since it will make fraud more difficult. The proposal will have no effect on educational institutions. There will be no costs to businesses or to educational institutions caused by this proposal. The proposal will affect neither the other programs administered by the Veterans Administration nor other Federal agencies.

#### Additional Comment Information

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420. All written comments received

will be available for public inspection at the above address only between the hours of 8 am and 4:30 pm Monday through Friday (except holidays) until December 27, 1979. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Approved: November 8, 1979.

By direction of the Administrator:  
Rufus H. Wilson,  
*Deputy Administrator.*

In § 21.4236, paragraphs (b) through (d) are revised as paragraphs (b) through (e) as follows:

**§ 21.4236 Special supplemental assistance (tutorial).**

\* \* \* \* \*

(b) *Certification.* The educational institution will certify:

(1) That the individualized tutorial assistance is essential to correct a deficiency in a specified subject or subjects;

(i) Required as part of an approved program of education; or

(ii) Which is prerequisite to the satisfactory pursuit of an approved program of education; or

(iii) Which is indispensable to the satisfactory pursuit of an approved program of education;

(2) That the tutor selected:

(i) Is qualified, and

(ii) Is not the parent, sibling or spouse of the veteran or eligible person; and

(3) That the charges for such assistance do not exceed the customary charges for such tutorial assistance. (38 U.S.C. 1690, 1692, 1693)

(c) *Approval.* The Veterans Administration will approve tutorial assistance for a veteran or eligible person only if it determines that:

(1) The educational institution's certification is correct; and

(2) The tutorial assistance will be furnished on an individualized basis. (38 U.S.C. 1690, 1692, 1693)

(d) *Educational assistance allowance.* In addition to payment of educational assistance allowance at the monthly rates specified in § 21.4136 or 21.4137 the costs of such tutorial assistance in an amount not to exceed \$69 per month will be authorized. (38 U.S.C. 1692(b))

(e) *Entitlement charge.* No charge will be made against the period of the veteran's entitlement as computed under

§ 21.1041 or the eligible person's entitlement as computed under § 21.3044. Special supplemental assistance provided under this section will not exceed a maximum of \$828. (38 U.S.C. 1690, 1692, 1693)

(38 U.S.C. 210(c))

[FR Doc. 79-36423 Filed 11-15-79; 8:45 am]

BILLING CODE 8320-01-M

**38 CFR Part 36.**

**Loan Guaranty; Holders' Acceptance of Partial Payments on VA Guaranteed and Insured Home, Mobile Home, and Vendee Loans**

**AGENCY:** Veterans Administration.

**ACTION:** Proposed Regulations.

**SUMMARY:** The VA (Veterans Administration) is proposing to amend its regulations to define circumstances in which holders of VA loans (guaranteed and insured home loans, mobile home loans, and sold vendee loans) will be required to accept partial payments when such loans are in default. The proposed regulations are necessary to give holders of VA loans guidelines which will govern their actions upon receipt of partial payments from obligors. These proposed regulations, if adopted, should allow veterans and other obligors in certain circumstances to eventually bring their loans current through the making of partial payments on their loans for a period of time. The proposed amendments will give holders specific requirements for the acceptance or refusal of partial payments dependent upon the circumstances of the defaults and related aspects.

**DATES:** Comments must be received on or before December 17, 1979. It is proposed to make this amendment effective on the date of final approval.

**ADDRESSES:** Send written comments to: Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420.

Comments will be available for public inspection at the address shown above until December 27, 1979.

**FOR FURTHER INFORMATION CONTACT:** Mr. Raymond L. Brodie, Assistant Director for Loan Management (261), Loan Guaranty Service, Veterans Administration, Washington, DC 20420 (202-389-3668).

**SUPPLEMENTARY INFORMATION:** The VA is proposing to amend its mobile home § 36.4200 series, home § 36.4300 series, and vendee loan § 36.4600 regulations by inserting a new requirement in each part governing holders' acceptance of

partial payments. A partial payment is a payment remitted by an obligor in any amount less than the full amount due under the terms of the loan and security instruments in effect at the time the payment is tendered. A loan default is a failure of the obligor to comply with the terms of the loan agreement. Generally, a default occurs because of the obligor's failure to make loan payments in accordance with the loan agreement. However, a default can also occur through failure of the obligor to fulfill other obligations such as the proper payment to the lender of funds sufficient to cure an escrow shortage.

Holders presently are not required to accept partial payments. However, throughout the history of the VA Loan Guaranty Program, holders have been encouraged to work with obligors and attempt to cure loan defaults if at all possible. One of the methods most encouraged is the holder's acceptance for a period of time of an obligor's partial payments until the obligor is able to resume normal loan payments.

The proposed regulations, if adopted, would require holders to accept partial payments under certain circumstances, while allowing holders the discretion to accept or return partial payments in other instances. In general, on loans which are less than 30 days in default, a holder may continue to return an obligor's monthly payment if the amount received is less than a full installment of principal, interest, taxes, and insurance, plus late charges, if applicable. On loans which are more than 30 days in default, the holder will be required when certain conditions exist, to accept a partial payment which is more than one full monthly installment but less than the total amount then due under the terms of the security instruments. However, the proposed amendments will give holders the option of accepting or returning partial payments which are less than the amount the holder would be required to accept.

Specifically, the proposed amendments will require the holder to accept a partial payment on a loan which is in default unless one or more of the following conditions exist:

(1) The property is wholly or partially tenant-occupied, and rental payments are not being remitted to the holder for application to the loan account;

(2) The payment is less than one full monthly installment, including escrows and late charge, if applicable, unless the lesser payment amount has been agreed to under an oral or written repayment plan;

(3) The payment is less than 50 percent of the total amount then due, unless the lesser payment amount has

been agreed to under an oral or written repayment plan;

(4) The payment is less than the amount agreed to in an oral or written repayment plan;

(5) The amount tendered is in the form of a personal check and the holder has previously notified the mortgagor in writing that only cash or certified remittances are acceptable;

(6) A delinquency of any amount has continued for at least 6 months since the account first became delinquent; and no oral or written repayment plan has been arranged;

(7) Foreclosure and/or repossession has been commenced by the taking of the first action required for foreclosure/repossession under local law, or a claim for repurchase of the vendee loan has been submitted to VA;

(8) The holder's lien position would be jeopardized by acceptance of the partial payment.

If one or more of the above conditions exist, the holder could properly return a partial payment at any time within 10 days of the payment's receipt. A holder also may seek the express waiver of the Administrator to return partial payments if none of the above conditions exist. A holder, who failed to accept a partial payment on a VA vendee loan in accordance with the proposed regulation, could face a deduction in the VA repurchase price under § 36.4600(e)(1).

A holder who failed to accept a partial payment on a guaranteed or insured home or mobile home loan in accordance with the proposed regulations, could face a partial or total loss of guaranty under § 36.4325 (home loans) or § 36.4286 (mobile home loans).

The amendments are proposed under authority of sections 210(c), 1803(c)(1), 1819(g), and 1820 of title 38, United States Code.

#### Additional Comment Information

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans' Affairs (271A), Veterans' Administration, 810 Vermont Avenue NW., Washington, D.C. 20420. All written comments received will be available for public inspection at the above address only between 8 a.m. and 4:30 p.m. Monday through Friday (except holidays) until December 27, 1979. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and

furnished the address and the above room number.

Approved: November 8, 1979.

By direction of the Administrator.

Rufus H. Wilson,  
Deputy Administrator.

1. In § 36.4275, the headnote is amended and paragraph (f) is added so that the amended and added material reads as follows:

§ 36.4275 Events constituting default and acceptability of partial payments.

\* \* \* \* \*

(f) A partial payment is a remittance on a loan in default (as defined in § 36.4202(c)) of any amount less than the full amount due under the terms of the loan and security instruments at the time the remittance is tendered.

(1) Except as provided in paragraph (f)(2) of this section, or upon the express waiver of the Administrator, the holder shall accept any partial payment and either apply it to the obligor's account or identify it with the obligor's account and hold it in a special account pending disposition. When partial payments held for disposition aggregate a full monthly installment, including escrow, they shall be applied to the obligor's account.

(2) A partial payment may be returned to the obligor within 10 calendar days from date of receipt of such payment, with a letter of explanation only if one or more of the following conditions exist:

(i) The property is wholly or partially tenant-occupied and rental payments are not being remitted to the holder for application to the loan account;

(ii) The payment is less than one full monthly installment, including escrows and late charge, if applicable, unless the lesser payment amount has been agreed to under an oral or written repayment plan;

(iii) The payment is less than 50 percent of the total amount then due, unless the lesser payment amount has been agreed to under an oral or written repayment plan;

(iv) The payment is less than the amount agreed to in an oral or written repayment plan;

(v) The amount tendered is in the form of a personal check and the holder has previously notified the obligor in writing that only cash or certified remittances are acceptable;

(vi) A delinquency of any amount has continued for at least 6 months since the account first became delinquent and no oral or written repayment plan has been arranged;

(vii) Foreclosure and/or repossession has been commenced by the taking of

the first action required for foreclosure/repossession under local law;

(viii) The holder's lien position would be jeopardized by acceptance of the partial payment.

(3) A failure by the holder to comply with the provisions of this paragraph may result in a partial or total loss of guaranty or insurance pursuant to § 36.4286(b), but such failure shall not constitute a defense to any legal action to terminate the loan. (38 U.S.C. 1819(g))

2. Section 36.4315 is revised to read as follows:

§ 36.4315 Notice of default and acceptability of partial payments.

(a) *Reporting of defaults.* The holder of any guaranteed or insured loan shall give notice to the Administrator within 45 days after any debtor:

(1) Is in default by reason of, nonpayment of any installment for a period of 60 days from the date of first uncured default (see § 36.4301(f)); or

(2) Is in default by failing to comply with any other covenant or obligation of such guaranteed or insured loan which failure persists for a continuing period of 90 days after demand for compliance therewith has been made, except that if the default is due to nonpayment of real estate taxes, the notice shall not be required until the failure to pay when due has persisted for a continuing period of 180 days.

(b) *Partial payments.* A partial payment is a remittance on a loan in default (as defined in § 36.4301(g)) of any amount less than the full amount due under the terms of the loan and security instruments at the time the remittance is tendered.

(1) Except as provided in paragraph (b)(2) of this section, or upon the express waiver of the Administrator, the mortgage holder shall accept any partial payment and either apply it to the mortgagor's account or identify it with the mortgagor's account and hold it in a special account pending disposition.

When partial payments held for disposition aggregate a full monthly installment, including escrow, they shall be applied to the mortgagor's account.

(2) A partial payment may be returned to the mortgagor, within 10 calendar days from date of receipt of such payment, with a letter of explanation only if one or more of the following conditions exist:

(i) The property is wholly or partially tenant-occupied and rental payments are not being remitted to the holder for application to the loan account;

(ii) The payment is less than one full monthly installment, including escrows and late charge, if applicable, unless the lesser payment amount has been agreed



to under an oral or written repayment plan;

(iii) The payment is less than 50 percent of the total amount then due, unless the lesser payment amount has been agreed to under an oral or written repayment plan;

(iv) The payment is less than the amount agreed to in an oral or written repayment plan;

(v) The amount tendered is in the form of a personal check and the holder has previously notified the mortgagor in writing that only cash or certified remittances are acceptable;

(vi) A delinquency of any amount has continued for at least 6 months since the account first became delinquent and no oral or written repayment plan has been arranged;

(vii) Foreclosure has been commenced by the taking of the first action required for foreclosure under local law;

(viii) The holder's lien position would be jeopardized by acceptance of the partial payment.

(3) A failure by the holder to comply with the provisions of this paragraph may result in a partial or total loss of guaranty or insurance pursuant to § 36.4325(b), but such failure shall not constitute a defense to any legal action to terminate the loan. (38 U.S.C. 1803(c)(1))

3. In § 36.4316, paragraph (a) is revised [gender changes only] as follows:

**§ 36.4316 Continued default.**

(a) In the event any failure of the debtor to discharge the debtor's obligations under the loan continues for a period of 3 months, or for more than 1 month on an extended loan or on a term loan, the holder may at the holder's option then or thereafter, submit a claim for payment of the guaranty. The holder may also then or thereafter give the notice prescribed in § 36.4317.

**§ 36.4318 [Amended]**

5. Section 36.4318 is amended by deleting the words "by him" and inserting the words "by the Administrator" in the first sentence of paragraph (a).

**§ 36.4319 [Amended]**

5. Section 36.4319 is amended by deleting the words "his behest" and "he has" and inserting the words "the holder's behest" in the first sentence and "the holder has" in the last sentence of paragraph (b) and by deleting the words "his appearance" and inserting the words "the Administrator's appearance" in paragraph (c).

6. Section 36.4600 is amended as follows:

(a) By deleting the words "his discretion" and inserting the words "the holder's discretion" in the first sentence of paragraph (c)(3) and by deleting the words "he may" and "his determination" and inserting the words "the Administrator may" and "Administrator's determination" in paragraph (c)(11).

(b) By adding paragraph (c)(15) to read as follows:

**§ 36.4600 Sale of loans; guarantee of payment.**

\* \* \* \* \*

(c) The holder of each loan sold subject to guaranty shall be deemed to have agreed with the Administrator as follows:

\* \* \* \* \*

(15) To dispose of partial payments in accordance with the provisions of this subparagraph. A partial payment is a remittance on a loan in default of any amount less than the full amount due under the terms of the loan and security instruments at the time the remittance is tendered; a default is a failure of a borrower to comply with the terms of a loan agreement.

(i) Except as provided in paragraph (c)(15)(ii) of this section, or upon the express waiver of the Administrator, the mortgage holder shall accept any partial payment and either apply it to the mortgagor's account or identify it with the mortgagor's account and hold it in a special account pending disposition. When partial payments held for disposition aggregate a full monthly installment, including escrow, they shall be applied to the mortgagor's account.

(ii) A partial payment may be returned to the mortgagor, within 10 calendar days from date of receipt of such payment, with a letter of explanation only if one or more of the following conditions exist:

(a) The property is wholly or partially tenant-occupied and rental payments are not being remitted to the holder for application to the loan account;

(b) The payment is less than one full monthly installment, including escrows and late charge, if applicable, unless the lesser payment amount has been agreed to under an oral or written repayment plan;

(c) The payment is less than 50 percent of the total amount then due, unless the lesser payment amount has been agreed to under an oral or written repayment plan;

(d) The payment is less than the amount agreed to in an oral or written repayment plan;

(e) The amount tendered is in the form of a personal check and the holder has previously notified the mortgagor in writing that only cash or certified remittances are acceptable;

(f) A delinquency of any amount has continued for at least 6 months since the account first became delinquent and no oral or written repayment plan has been arranged;

(g) The loan has been submitted to the Veterans Administration for repurchase;

(h) The lien position of the security instrument would be jeopardized by acceptance of the partial payment.

(iii) A failure by the holder to comply with the provisions of this subparagraph may result in a deduction from the repurchase price pursuant to paragraph (e)(1) of this section. (38 U.S.C. 1820)

(38 U.S.C. 210(c), 1803(c)(1), 1819(g), 1820)

[FR Doc. 79-3612 Filed 11-15-79; 8:45 am]

BILLING CODE 8320-01-M

**ACTION:**

45 CFR Part 1210

**VISTA Trainee Deselection and Volunteer Early Termination Procedures**

**AGENCY:** ACTION.

**ACTION:** Proposed rule.

**SUMMARY:** This proposed rule codifies and revises existing procedures for deselection of VISTA Trainees and early termination of VISTA Volunteers by the ACTION agency, and procedures for appealing such deselections and terminations. In addition, the procedure has been revised to include a section dealing with VISTA Volunteers serving in ACTION's National Grant Program.

**DATES:** Written comments must be received on or before December 17, 1979, in order to be assured of consideration.

**ADDRESS:** Interested persons are invited to submit written comments to: Ellen Reath, Assistant General Counsel, ACTION, Room 607, 806 Connecticut Ave., NW., Washington, D.C. 20525.

**FOR FURTHER INFORMATION CONTACT:** Angelo Traficanti, Chief, VISTA Policy Unit, 202-254-8880, toll-free 800-424-8580, ext. 82.

**SUPPLEMENTARY INFORMATION:**

ACTION's procedures for deselection of VISTA Trainees and terminating VISTA Volunteers and providing an opportunity to appeal such deselections and early terminations are presently contained in ACTION Order 40026 published in 1974. The early termination procedure also appears in the VISTA Volunteer Handbook distributed to all Volunteers.

Five years experience with the procedure has indicated a need for revision as well as codification in the Code of Federal Regulations. In August 1979, all Regional and State ACTION Offices as well as the National VISTA Volunteer Forum were asked for suggestions as to changes in the early termination procedures. A proposed rule was drafted incorporating these ideas and making editorial revisions in the existing procedures.

The major changes are summarized below and pertain to the VISTA Volunteer Early Termination Procedure.

1. The person with the final decision making authority has been changed from the Deputy Director of the Agency to the Deputy Associate Director for VISTA, since that position has direct responsibility for the VISTA program.

2. The procedure has been altered slightly regarding the appointment of a Hearing Examiner. The current regulations provide that if a Volunteer is dissatisfied with the decision of the State Director, he or she may appeal to the Regional Director who must immediately appoint a Hearing Examiner. The Hearing Examiner makes recommendations to the Regional Director, who then issues a decision. This decision may be further appealed to the Deputy Director of the agency. The proposed regulation provides that a Volunteer who is dissatisfied with the decision of the State Director may appeal directly to the Regional Director who will issue a decision on the merits. This permits the Regional Director an opportunity to resolve the appeal before going to the Hearing Examiner. If the Volunteer is dissatisfied with this decision, a Hearing Examiner will be appointed who will make recommendations to the Deputy Associate Director for VISTA. The Deputy Associate Director's decision is final.

3. The proposed rule also includes a specific procedure for Volunteers serving under the VISTA National Grant Program. The National Grant Program uses a mechanism whereby ACTION awards a grant to a national organization for the support of VISTA Volunteers assigned to the grantee's local offices or affiliates. The grantee assumes administrative responsibility for payment of the Volunteers, and the grant is monitored by ACTION through its National Headquarters rather than through Regional and State Offices. Because of this difference in structure from the standard VISTA program, the levels of appeal for Volunteers under the National Grant Program have been changed but not the substantive rights.

The person to initiate the termination action will be the VISTA Project manager in ACTION/Headquarters, who will discuss the proposed action with the State Director. The VISTA Project Manager will issue the decision to terminate. If the Volunteer wishes to appeal, he or she may so to the Chief of the VISTA Program Development Branch, not to the Regional Director. The Program Development Chief will decide on the merits and if the Volunteer is still dissatisfied he or she may request the appointment of a Hearing Examiner. The Hearing Examiner will make recommendations to the Deputy Associate Director for VISTA who will issue the final agency decision.

Accordingly, it is proposed to amend 45 CFR Ch. XII by adding a new Part 1210 to read as follows:

## **PART 1210—VISTA TRAINEE DESELECTION AND VOLUNTEER EARLY TERMINATION PROCEDURES**

### **Subpart A—General**

#### **Sec.**

- 1210.1-1 Purpose.
- 1210.1-2 Applicability.
- 1210.1-3 Definitions.

### **Subpart B—VISTA Trainee Deselection**

- 1210.2-1 Grounds for deselection.
- 1210.2-2 Procedure for Deselection.

### **Subpart C—VISTA Volunteer Early Termination**

- 1210.3-1 Grounds for Termination.
- 1210.3-2 Suspension.
- 1210.3-3 Initiation of Termination.
- 1210.3-4 Preparation for Appeal.
- 1210.3-5 Appeal of Termination.
- 1210.3-6 Inquiry by Hearing Examiner.
- 1210.3-7 Termination File and Examiner's Report.
- 1210.3-8 Decision by Deputy Associate Director for VISTA.
- 1210.3-9 Reinstatement of Volunteer.
- 1210.3-10 Removal from Project.
- 1210.3-11 Disposition of Termination and Appeal Files.

### **Subpart D—National Grant Volunteers**

- 1210.4 Early Termination Procedures for National Grant Volunteers.

### **Appendix A—Standard for Examiners**

Authority: Secs. 103(c), 402(14), 420, Pub. L. 93-113, 87 Stat. 397, 407 and 414.

### **Subpart A—General**

#### **§ 1210.1-1 Purpose.**

This part establishes procedures under which certain trainees and volunteers serving in ACTION programs under Pub. L. 93-113 will be deselected from training or terminated from service and may appeal their deselection or termination.

#### **§ 1210.1-2 Applicability.**

This part applies to all Volunteers enrolled under Part A of Title I of the Domestic Volunteer Service Act, Pub. L. 93-113, (42 U.S.C. 4951 *et seq.*) and full time volunteers serving under Part C of Title I of the Act.

#### **§ 1210.1-3 Definitions.**

(a) "Trainee" means a person enrolled in a program under Part A of Title I of the Domestic Volunteer Service Act or a full time volunteer under Part C of Title I of the Act who has reported to training but has not yet completed training and been placed on a project.

(b) "Volunteer" means a person enrolled and currently serving as a full-time Volunteer under Part A of Title I of the Domestic Volunteer Service Act of 1973, or as a full-time volunteer under Part C of Title I of the Act.

(c) "Sponsor" means a public or private non-profit agency to which ACTION has assigned volunteers.

(d) "Hearing Examiner" or "Examiner" means a person having the qualifications described in Appendix A appointed to conduct an inquiry with respect to a grievance.

(e) "National Grant Program" means a program operated under Part A, Title I of the Domestic Volunteer Service Act in which ACTION gives a grant to operate a VISTA Volunteer program on a national or multi-regional basis. VISTA volunteers are assigned to local offices or project affiliates. The national grantee provides overall training, technical assistance and management support for the projects operations.

(f) "Local component" means a local office or project affiliate of a national grantee which has VISTA Volunteers assigned to it under the VISTA National Grants Program.

(g) "Termination" means the removal of a volunteer from VISTA service by ACTION, and does not refer to removal from a particular project, which may be requested by a sponsor or Governor under § 1210.3-10.

### **Subpart B—VISTA Trainee Deselection**

#### **§ 1210.2-1 Grounds for Deselection.**

ACTION may deselect a trainee out of a training program for any of the following reasons:

- (a) Failure to meet training or selection standards;
- (b) Conviction of any criminal offense under Federal, State, or local statute or ordinance;
- (c) Violation of any provision of the Domestic Volunteer Service Act of 1973 (Pub. L. 93-113), or any ACTION policy, regulation, or instruction;



(d) Intentional false statement, omission, fraud, or deception in obtaining selection as a volunteer;

**§ 1210.2-2 Procedure for deselection.**

(a) The Regional Director or designee shall notify the trainee in writing that ACTION intends to deselect the Trainee. The Notice must contain the reasons for the deselection and indicate that the Trainee has 5 days to appeal.

(b) The Trainee is placed on Administrative Hold at the time of the notice of Deselection.

(c) The Trainee has 5 days after receipt of the Notice to appeal to the Regional Director, furnishing any supportive documentation. If there is a substantial disputed question of fact, the Trainee may request an opportunity to present his or her case in person.

(d) If the Trainee does not respond to the Notice, deselection becomes effective at the expiration of the Trainee's time to appeal.

(e) Within 5 days after receiving the Trainee's appeal, if no personal presentation is requested, the Regional Director or designee must issue a decision. If a personal presentation is requested, the Regional Director must schedule it within 5 days, and must issue a decision 5 days after the presentation. In either case, the decision of the Regional Director or designee is final.

**Subpart C—VISTA Volunteer Early Termination**

**§ 1210.3-1 Grounds for termination.**

ACTION may terminate or suspend a Volunteer for any of the following reasons:

(a) Conviction of any criminal offense under Federal, State, or local statute or ordinance;

(b) Violation of any provision of the Domestic Volunteer Service Act of 1973 (Pub. L. 93-113), or any ACTION policy, regulation, or instruction;

(c) Failure, refusal or inability to perform prescribed project duties as outlined in the Project Narrative and/or volunteer job description and directed by the sponsoring organization to which the Volunteer is assigned;

(d) Involvement in activities which substantially interfere with the Volunteer's performance of project duties;

(e) Intentional false statement, omission, fraud, or deception in obtaining selection as a Volunteer;

(f) Any conduct on the part of the Volunteer which substantially diminishes his or her effectiveness as a VISTA Volunteer;

(g) Lack of a viable job for which the Volunteer is qualified, if the initial job assignment ends or is terminated prior to completion of a period of service;

(h) Unsatisfactory job performance.

**§ 1210.3-2 Suspension.**

(a) The ACTION State Director may suspend a Volunteer for up to 30 days in order to determine whether sufficient evidence exists to start termination proceedings against the Volunteer. Suspension is not warranted if the State Director determines that sufficient grounds already exist for the initiation of termination. In that event, the termination procedures contained in § 1210.3-3 will be followed.

(b) Within 3 days after initiation of the suspension, the Volunteer will receive a written notice of suspension setting forth in specific detail the reason for the suspension. During the suspension period the Volunteer may not engage in project activities, but will continue to receive all allowances, including stipend.

(c) At the end of the suspension period, the Volunteer must either be reassigned to a project, or termination proceedings must be initiated.

**§ 1210.3-3 Initiation of termination.**

(a) *Opportunity for Resignation.* In instances where ACTION has reason to believe that a Volunteer is subject to termination for any of the grounds cited in § 1210.3-1 an ACTION staff member will discuss the matter with the Volunteer. If, after the discussion, the staff member believes that grounds for termination exist, the Volunteer will be given an opportunity to resign. If the Volunteer chooses not to resign, the administrative procedures outlined below will be followed.

(b) *Notice of Proposed Termination.* The Volunteer will be notified, in writing, of ACTION's intent to terminate him or her by the ACTION State Director or Program Officer for the project to which the Volunteer is assigned, at least 15 days in advance of the proposed termination date. The notice shall notify the Volunteer that he or she has 10 days within which to answer the notice in writing and to furnish any affidavits or written material. This answer must be submitted to the ACTION State Director/Program Officer.

(c) *Review and Notice of Decision.* (1) Within 5 working days after the date of receipt of the Volunteer's answer, the State Director/Program Officer will send a written Notice of Decision to the Volunteer by certified mail. (If no answer is received from the Volunteer within the time specified, the State

Director/Program Officer will send such notice within 5 days after the expiration of the Volunteer's time to answer.)

(2) If the decision is to terminate the Volunteer, the Notice will set forth the reasons for the decision, the effective date of termination (which, if the Volunteer has filed an answer, may not be earlier than 10 days from the date of the Notice), and the fact that the Volunteer has 10 days in which to submit a written appeal to the Regional Director.

(3) A Volunteer who has not filed an answer pursuant to the procedures outlined above is not entitled to appeal the decision or request a hearing and may be terminated on the date of the Notice.

(d) *Continuation of Allowances.* (1) If the Volunteer files an answer with the State Director/Program Officer following receipt of the notice of proposed termination, the Volunteer will be placed in Administrative Hold status, and will continue to receive regular allowances, but not stipend, in accordance with ACTION policy until the appeal is finally decided. The Volunteer will not engage in any project related activities during this time.

(2) In the event that the proposed termination is reversed, the Volunteer's stipend and any other allowances lost during the period of review will be reinstated retroactively.

**§ 1210.3-4 Preparation for Appeal.**

(a) *Entitlement to Representation.* A Volunteer may be accompanied, represented and advised by a representative of the Volunteer's own choice at any stage of the appeal. A person chosen by the Volunteer must be willing to act as representative and not be disqualified because of conflict of position.

(b) *Time for Preparation and Presentation.* (1) A Volunteer's representative, if a Volunteer or an employee of ACTION, must be given a reasonable amount of time off from assignment to present the appeal.

(2) ACTION will not pay travel expenses or per diem travel allowances for either a Volunteer or the Volunteer's representative in connection with the preparation of the appeal, except to attend the hearing as provided in § 1210.3-6(c)(5).

(c) *Access to Agency Records.* (1) A Volunteer is entitled to review any material in his or her official Volunteer folder and any relevant agency documents to the extent permitted by the Privacy Act and the Freedom of Information Act, 5 U.S.C. 552a, 5 U.S.C. 552. Examples of documents which may be withheld from Volunteers include

references obtained under a pledge of confidentiality, official Volunteer folders of other Volunteers and privileged intra-agency memoranda.

(2) A Volunteer may review relevant documents in the possession of a sponsor to the same extent ACTION would be entitled to review them.

#### § 1210.3-5 Appeal of Termination.

(a) *Appeal to Regional Director.* A Volunteer has 10 days from the Notice of Decision issued by the State Director/Program Officer in which to submit a written appeal to the Regional Director. The appeal must be in writing and specify the reasons for the Volunteer's disagreement with the decision. The Regional Director has 10 days in which to render a written decision on the Volunteer's appeal, indicating the reason for the decision. The Regional Director must also notify the Volunteer that he or she has 5 days in which to request the appointment of a Hearing Examiner as provided below.

(b) *Referral to Hearing Examiner.* If the Volunteer is dissatisfied with the decision of the Regional Director, the Volunteer has 5 days in which to request the appointment of a Hearing Examiner. The Regional Director must act on that request within 5 days. The Hearing Examiner must possess the qualifications specified in Appendix A to this part, and may not be an employee of ACTION unless his or her principal duties are those of Hearing Examiner.

#### § 1210.3-6 Inquiry by Hearing Examiner.

(a) *Scope of Inquiry.* (1) The Examiner shall conduct an inquiry of a nature and scope appropriate to the issues involved in the termination. If the Examiner determines that the termination involves relevant disputed issues of fact, the Examiner must hold a hearing unless it is waived by the Volunteer. If the termination does not involve relevant disputed issues of fact, the Hearing Examiner need not hold a hearing, but must provide the parties an opportunity for oral presentation of their respective positions. At the Examiner's discretion, the inquiry may include:

- (i) The securing of documentary evidence;
- (ii) Personal interviews, including telephone interviews;
- (iii) Group meetings;
- (iv) Affidavits, written interrogatories or depositions;

(2) The Hearing Examiner's inquiry shall commence within 7 days after referral by the Regional Director. The Examiner shall issue a report as soon as possible, but within 30 days after referral, except when a hearing is held.

If hearing is held the Examiner shall issue a report within 45 days after the referral.

(b) *Conduct of Hearing.* If a hearing is held, the conduct of the hearing and production of witnesses shall conform with the following requirements:

(1) The hearing shall be held at a time and place determined by the Hearing Examiner who shall consider the convenience of parties and witnesses and expense to the Government in making the decision.

(2) Ordinarily, attendance at the hearing will be limited to persons determined by the Examiner to have a direct connection with it. If requested by the Volunteer, the Examiner must open the hearing to the public.

(3) The hearing shall be conducted so as to bring out pertinent facts, including the production of pertinent records.

(4) Rules of evidence shall not be applied strictly, but the Examiner may exclude irrelevant or unduly repetitious testimony or evidence.

(5) Decisions on the admissibility of evidence or testimony shall be made by the Examiner.

(6) Testimony shall be under oath or affirmation, administered by the Examiner.

(7) The Examiner shall give the parties an opportunity to present oral and written testimony that is relevant and material, and to cross-examine witnesses who appear to testify.

(8) The Examiner may exclude any person from the hearing for conduct that obstructs the hearing.

(c) *Witnesses.* (1) All parties are entitled to produce witnesses.

(2) Volunteers, employees of a sponsor, and employees of ACTION shall be made available as witnesses when requested by the Examiner. The Examiner may request witnesses on his or her own initiative. Parties shall furnish to the Examiner and to opposing parties a list of proposed witnesses, and an explanation of what the testimony of each is expected to show, at least ten days before the date of the hearing. The Hearing Examiner may waive the time limit in appropriate circumstances.

(3) Employees of ACTION shall remain in a duty status during the time they are made available as witnesses.

(4) Volunteers, employees and any other persons who serve as witnesses shall be free from coercion, discrimination, or reprisal for presenting their testimony.

(5) The Hearing Examiner must authorize payment of travel expense and per diem at standard government rates for the Volunteer and a representative to attend the hearing.

(6) The Hearing Examiner may authorize payment of travel expense and per diem at standard government rates for other necessary witnesses to attend the hearing if he or she determines that the required testimony cannot be satisfactorily obtained by affidavit, written interrogatories or deposition at less cost.

(d) *Report of Hearing.* (1) The Examiner shall determine how any hearing shall be reported and shall have either a verbatim transcript or written summary of the hearing prepared, which shall include all pertinent documents and exhibits submitted and accepted. If the hearing is reported verbatim, the Examiner shall make the transcript a part of the record of the proceedings.

(2) If the hearing is not reported verbatim, a suitable summary of pertinent portions of the testimony shall be made part of the record of proceedings. When agreed to in writing, the summary constitutes the report of the hearing. If the Examiner and the parties fail to agree on the hearing summary, the parties are entitled to submit written exceptions to any part of the summary, and these written exceptions and the summary constitute the report of the hearing and shall be made part of the record of proceedings.

(3) An appellant Volunteer may make a recording of the hearing at the Volunteer's own expense if no verbatim transcript is made.

#### § 1210.3-7 Termination File and Examiner's Report.

(a) *Preparation and Content.* The Examiner shall establish a Termination File containing all documents related to the termination, including statements of witnesses, records or copies thereof, and the report of the hearing when a hearing was held. The Examiner shall also prepare a report of findings and recommendations which shall be made part of the Termination File.

(b) *Review of Volunteer.* On completion of the Termination File, the Examiner shall make it available to the Volunteer and representative for review and comment before submission to the Deputy Associate Director for VISTA. The comments should be submitted to the Hearing Examiner for inclusion in the Termination File not later than five days after the file is made available. The comments should identify those parts of the Examiner's report which support the appeal.

(c) *Submission of Termination File.* Immediately upon receiving the comments from the Volunteer the Hearing Examiner shall submit the Termination File to the Deputy Association Director for VISTA.

**§ 1210.3-8 Decision by Deputy Associate Director for VISTA.**

The Deputy Associate Director for VISTA shall issue a written decision, including a statement of the basis for the decision, within 10 days after receipt of the Termination File. The decision of the Deputy Associate Director is final.

**§ 1210.3-9 Reinstatement of Volunteer.**

(a) If the Regional Director or Deputy Associate Director, VISTA reinstates the Volunteer, the Regional Director may at his or her discretion reassign the Volunteer to the Volunteer's previous project or to another project within the Region.

(b) If the Volunteer's termination is reversed, stipend and other allowances lost during the appeal period will be paid retroactively.

**§ 1210.3-10 Removal from Project.**

(a) Removal of a Volunteer from the project assignment may be requested and obtained by: (1) The Governor or chief executive office of the state or similar jurisdiction in which the Volunteer is assigned or (2) the sponsoring organization. The sole responsibility for terminating or transferring a Volunteer rests with the ACTION Regional Office.

(b) A request for removal of a Volunteer must be submitted in writing to the ACTION State Director, who will in turn notify the Volunteer of the request. The State Director, after discussions with the Volunteer and in consultation with the Regional Director if necessary, has 15 days to attempt to resolve the situation with the sponsor or the Governor's office.

(c) If the situation is not resolved at the end of the 15 day period, the Volunteer will be removed from the project and placed on Administrative Hold, pending a decision as set forth in paragraph (d) of this section.

(d) The State Office will take one of the following actions concerning a Volunteer who has been removed from the project assignment:

(1) Accept the Volunteer's resignation  
(2) If removal was requested for reasons other than those listed in § 1210.3-1 ACTION will attempt to place the Volunteer on another project. If reassignment is not possible, the Volunteer will be terminated for lack of suitable assignment. If the Volunteer's job performance has been satisfactory, he or she will be given special consideration for reinstatement.

(3) If removal from the project is requested based on any of the grounds for early termination as set forth in § 1210.3-1, ACTION will follow the procedures in § 1210.3-3 to determine

whether termination of the Volunteer is warranted. If ACTION determines that there are no grounds for termination, then the Volunteer will be reassigned if possible under the provisions of § 1210.3-10(d)(2).

(e) A Volunteer's removal during a term of service may also occur as a result of the termination of, or refusal to renew, the Memorandum of Agreement between ACTION and the sponsoring organization. In such cases the Regional Office will attempt to reassign the Volunteer to another project as quickly as possible. If reassignment is not possible immediately, the Volunteer may have to leave VISTA service, but will receive special consideration for reinstatement as soon as an appropriate assignment becomes available.

**§ 1210.3-11 Disposition of Termination and Appeal Files.**

All termination and appeal files shall be forwarded to the Deputy Associate Director for VISTA after a final decision has been made. No part of a termination or appeal file may be made part of or included in a Volunteer's official folder.

**Subpart D—National Grant Volunteers****§ 1210.4 Early Termination Procedures for National Grant Volunteers.**

Volunteers serving in the National Grant Program as defined in § 1210.1-3(e) will be subject to the same termination procedure as standard VISTA Volunteers with the following exceptions:

(a) The Initiation of Termination, see § 1210.3-3 (a) and (b) will be handled by the VISTA Project Manager in ACTION/Headquarters, after discussion with the appropriate State Director. The Review and Notice of Decision, see § 1210.3-3(c) will be handled by the VISTA Project Manager in ACTION/Headquarters.

(b) The Appeal of Termination, see § 1210.3-5(a) will be handled by the chief of the VISTA Program Development Branch and not the Regional Director.

(c) The final decision on a volunteer appeal will be made by the Deputy Associate Director, VISTA as provided in § 1210.3-8.

**Appendix A—Standard for Examiners**

(a) An Examiner must meet the requirements specified in either (1), (2), (3), or (4) below:

(1) (a) Current employment in Grade GS-12 or equivalent, or above.

(b) Satisfactory completion of a specialized course of training prescribed by the Civil Service Commission for Examiners.

(c) At least four years of progressively responsible experience in administrative, managerial, professional, investigative, or

technical work which has demonstrated the possession of:

(i) The personal attributes essential to the effective performance of the duties of an Examiner, including integrity, discretion, reliability, objectivity, impartiality, resourcefulness, and emotional stability.

(ii) A high degree of ability to:

—Identify and select appropriate sources of information; collect, organize, analyze and evaluate information; and arrive at sound conclusions on the basis of that information;

—Analyze situations; make an objective and logical determination of the pertinent facts; evaluate the facts; and develop practicable recommendations or decisions on the basis of facts;

—Recognize the causes of complex problems and apply mature judgment in assessing the practical implications of alternative solutions to those problems;

—Interpret and apply regulations and other complex written material;

—Communicate effectively orally and in writing, including the ability to prepare clear and concise written reports; and

—Deal effectively with individuals and groups, including the ability to gain the cooperation and confidence of others.

(iii) A good working knowledge of:

—The relationship between volunteer administration and over-all management concerns; and

—The principles, systems, methods, and administrative machinery for accomplishing the work of an organization.

(2) Designation as an arbitrator on a panel of arbitrators maintained by either the Federal Mediation and Conciliation Service or the American Arbitration Association.

(3) Current or former employment as, or current eligibility on the Civil Service Commission's register for, Hearing Examiner, GS 935-0.

(4) Membership in good standing in the National Academy of Arbitrators.

(b) A former Federal employee who, at the time of leaving the Federal service, was in Grade GS-12 or equivalent, or above, and who meets all the requirements specified for an Examiner except completion of the prescribed training course, may be used as an Examiner upon satisfactory completion of the training course.

Signed at Washington, D.C., this 7th day of November 1979.

Sam Brown,  
Director.

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BILLING CODE 6050-01-M

**45 CFR Part 1211****VISTA Volunteer Grievance Procedure**

AGENCY: ACTION.

ACTION: Proposed rule.

**SUMMARY:** This proposed rule revises ACTION's regulations on VISTA Volunteer Grievance procedures in response to suggestions from Volunteers and program staff. In addition, the procedure has been revised to include a

section dealing with VISTA Volunteers serving in ACTION's National Grant Program.

**DATES:** Written comments must be received on or before December 17, 1979 in order to be assured of consideration.

**ADDRESS:** Interested persons are invited to submit written comments to: Louise Mailett, Assistant General Counsel; ACTION, Room 807; 808 Connecticut Ave., NW., Washington, D.C. 20525.

**FOR FURTHER INFORMATION CONTACT:** Angelo Traficanti, Chief, VISTA Policy Unit, 202-254-6880, toll-free 800-424-8580, ext. 82.

**SUPPLEMENTARY INFORMATION:** The existing VISTA Volunteer Grievance Procedure was published in 1974, pursuant to Section 104(d) of the Domestic Volunteer Service Act (42 U.S.C. 4954(d)). It also appears in the VISTA Volunteer Handbook which is distributed to all Volunteers. Five years experience with the procedure has indicated a need for revision. In August 1979, all Regional and State Offices as well as the National VISTA Volunteer Forum were asked for suggestions as to changes in the procedure. A proposed rule was drafted incorporating these ideas and making minor editorial revisions in the existing procedure.

The major changes are summarized below:

1. The definition of grievance has been rewritten to make clear what types of issues are grievable, and specific situations have been added to clarify the scope of the definition. The main requirement is that the grievance must relate to a matter that is personal to the Volunteer.

2. The procedure for determining whether an issue is grievable has been changed slightly. Under the existing procedure, a Regional Director may reject a grievance if he or she determines that a complaint falls outside the definition of grievable matter. A Volunteer who disagrees with this determination may appeal to the Deputy Director of the Agency on the issue of grievability. The proposed regulation provides that the appeal on the issue of grievability will go to the Office of General Counsel for a determination as to whether the subject matter falls within the definition of a grievance. If the Office of General Counsel rules that it is excluded, there is no further appeal. If the Office of General Counsel rules that the issue is grievable, it will be returned to the Regional Director for a decision on the merits.

3. The person with the final decision making authority has been changed from the Deputy Director of the Agency to the Deputy Associate Director for VISTA,

since that position has direct responsibility for the VISTA program.

4. The procedure has been altered slightly regarding the appointment of a Hearing Examiner. The current regulations provide that if a Volunteer is dissatisfied with the decision of the State Director, he or she may appeal to the Regional Director who must immediately appoint a Hearing Examiner. The Hearing Examiner makes recommendations to the Regional Director, who then issues a decision. This decision may be further appealed to the Deputy Director of the agency. The proposed regulation provides that a Volunteer who is dissatisfied with the decision of the State Director may appeal directly to the Regional Director who will issue a decision on the merits. This permits the Regional Director an opportunity to resolve the grievance before going to the Hearing Examiner. If the Volunteer is dissatisfied with this decision, a Hearing Examiner will be appointed who will make recommendations to the Deputy Associate Director for VISTA. The Deputy Associate Director's decision is final.

5. The proposed rule also includes a specific procedure for Volunteers serving under the VISTA National Grant Program. The National Grant Program uses a mechanism whereby ACTION awards a grant to a national organization for the support of VISTA Volunteers assigned to the grantee's local offices or affiliates. The grantee assumes administrative responsibility for payment of the Volunteers, and the grant is monitored by ACTION through its National Headquarters rather than through Regional and State Offices. Because of this difference in structure from the standard VISTA program, the levels of appeal for Volunteers under the National Grant Program have been changed but not the substantive rights.

Instead of filing an informal grievance with the chief executive officer of the sponsor, the National Grant Volunteer files it with the local component of the grantee. (If the matter is in the control of the State Office both the standard volunteer and the National Grant Volunteer begin the grievance there.) If the local component cannot resolve the issue, it goes to the National Grantee. If a Volunteer is still not satisfied, he or she may submit a formal grievance to the Chief of the VISTA Program Development Branch or designee, in place of the Regional Director. The Program Development Chief makes a decision and the Volunteer may ask for a Hearing Examiner who will make recommendations to the Deputy

Associate Director for VISTA. The Deputy Associate Director's decision is final.

Accordingly, it is proposed to amend 45 CFR Chapter XII by revising Part 1211 to read as follows:

## **PART 1211—VOLUNTEER GRIEVANCE PROCEDURE**

### **Sec.**

- 1211.1-1 Purpose.
  - 1211.1-2 Applicability.
  - 1211.1-3 Definitions.
  - 1211.1-4 Policy.
  - 1211.1-5 Matters not Covered.
  - 1211.1-6 Freedom to initiate grievances.
  - 1211.1-7 Entitlement to representation.
  - 1211.1-8 Time for preparation and presentation.
  - 1211.1-9 Access to agency records.
  - 1211.1-10 Informal grievance procedure.
  - 1211.1-11 Initiation of formal grievance procedure.
  - 1211.1-12 Inquiry by hearing examiner.
  - 1211.1-13 Grievance file and examiner's report.
  - 1211.1-14 Final Determination by Director of VISTA.
  - 1211.1-15 Disposition of Grievance and Appeals files.
  - 1211.1-16 Grievance Procedure for National Grant Volunteers.
- Appendix A: Standard for Examiners.  
Authority: Secs. 104(d), 402(14), 420, Pub. L. 93-113, 87 Stat. 398, 407 and 414.

### **§ 1211.1-1 Purpose.**

This part establishes procedures under which certain volunteers under Pub. L. 93-113 may present and obtain resolution of grievances.

### **§ 1211.1-2 Applicability.**

This part applies to all volunteers enrolled under Part A of Title I of the Domestic Volunteer Service Act of 1973, Pub. L. 93-113, [42 U.S.C. 4951 *et seq.*] and all full-time volunteers serving under Part C of Title I of the Act.

### **§ 1211.1-3 Definitions.**

(a) "Volunteer" means a person enrolled and currently serving as a full-time volunteer under Part A of Title I of the Domestic Volunteer Service Act of 1973, or as a full-time volunteer under Part C of Title I of the Act. For the purpose of this part, a Volunteer whose service has terminated shall be deemed to be a Volunteer for a period of 90 days thereafter.

(b) "Grievance" means a matter arising out of, and directly affecting, the Volunteer's work situation, or those regulations governing the terms and conditions of service. The relief requested must be directed toward the correction of the matter involving the individual Volunteer. Requests for relief by more than one Volunteer arising from a common cause within one region may

be treated as a single grievance. The term includes complaints of discrimination by ACTION on account of race, creed, belief, color, national origin, sex, age, handicap, or political affiliation. The following are examples of grievable matters:

(1) A Volunteer is assigned to an area of harsh climate where special clothing is necessary. A request for an allotment for such clothing is refused.

(2) A Volunteer submits a request for reimbursement for transportation costs incurred while on emergency leave which is denied.

(3) The project sponsor fails to provide adequate support to the Volunteer necessary for that Volunteer to perform the assigned work. An example is the sponsor's failure to supervise the Volunteer which materially harms the Volunteer's effectiveness.

(c) "State Program Officer" means that ACTION official who is directly responsible at the first level, for the project in which the Volunteer is serving.

(d) "Sponsor" means a public or private nonprofit agency to which ACTION has assigned Volunteers.

(e) "Hearing Examiner" or "Examiner" means a person having the qualifications described in Appendix A appointed to conduct an inquiry with respect to a grievance.

(f) "National Grant Program" means a program operated under Part A, Title I of the Domestic Volunteer Service Act in which ACTION gives a grant to operate a VISTA Volunteer program on a national or multiregional basis of the national grantee. The national grantee provides overall training, technical assistance and management support for the project's operations.

(g) "Local component" means a local office or project affiliate of a national grantee which has VISTA Volunteers assigned to it under the VISTA National Grants Program.

(h) The "Act" means the Domestic Volunteer Service Act of 1973, Pub. L. 93-113, (42 U.S.C. 4951 *et seq.*) as amended.

#### § 1211.1-4 Policy.

It is ACTION's policy to provide Volunteers the widest latitude to present their grievances and concerns to appropriate officials of ACTION and of sponsoring organizations. This regulation is designed to assure that the rights of individual Volunteers are recognized and to provide formal ways for them to seek action with confidence that they will obtain just treatment.

#### § 1211.1-5 Matters not covered.

The following matters are excluded from the definition of a grievance, and are not eligible for processing under this Part:

(a) The establishment of a project, its continuance or discontinuance, the number of volunteers assigned to it, increases or decreases in the level of support provided to a project, suspension or termination of a project, or selection of project staff.

(b) Matters for which a separable appeals procedure is provided.

(c) The provisions of any law, published rule, regulation, policy or procedure, or actions taken in compliance therewith.

(d) Matters which are, by law, subject to final administrative review outside ACTION.

(e) Actions taken in compliance with the terms of a contract, grant, or other agreement.

(f) Matters affecting the curriculum, program of instruction, administration or personnel of any educational institution or school system.

(g) The internal management of the ACTION agency unless such management is shown to individually and directly affect the Volunteer's effectiveness at the assigned work.

#### § 1211.1-6 Freedom to initiate grievances.

The initiation of a grievance shall not be construed as reflecting on a Volunteer's standing, performance or desirability as a Volunteer. ACTION intends that each supervisor and sponsor maintain a healthy atmosphere in which a Volunteer can speak freely and have frank discussions of problems. A Volunteer who initiates a grievance shall not be subjected to restraint, interference, coercion, discrimination or reprisal.

#### § 1211.1-7 Entitlement to representation.

A Volunteer may be accompanied, represented and advised by a representative of the Volunteer's own choice at any stage of the proceeding. A person chosen by the Volunteer must be willing to act as representative and not be disqualified because of conflict of position.

#### § 1211.1-8 Time for preparation and presentation.

(a) Both a Volunteer and a Volunteer's representative, if a Volunteer or an employee of ACTION, must be given a reasonable amount of time off from their assignments to present a grievance or appeal.

(b) ACTION will not pay travel expense or per diem travel allowances for either a Volunteer or representative

in connection with the preparation of a grievance or appeal, except in connection with the hearing and the examination of the grievance file provided in § 1211.1-12(c).

#### § 1211.1-9 Access to agency records.

(a) A Volunteer is entitled to review any material in his or her official Volunteer folder and any relevant agency documents to the extent permitted by the Freedom of Information Act and the Privacy Act, 5 U.S.C. 522, U.S.C. 552a. Examples of documents which may be withheld from Volunteers include references obtained under a pledge of confidentiality, official Volunteer folders of other Volunteers, and privileged intra-agency document.

(b) A Volunteer may review relevant documents in the possession of a sponsor to the same extent ACTION would be entitled to review them.

#### § 1211.1-10 Informal grievance procedure.

(a) *Initiation of grievance.* A Volunteer may initiate a grievance within 15 days after the event giving rise to the grievance occurs, or within 15 days after becoming aware of the event. A grievance arising out of a continuing condition or practice, that individually affects the Volunteer may be brought at any time. A Volunteer initiates a grievance by presenting it in writing to the chief executive officer of the sponsor, or the representative designated to receive grievances from Volunteers. The designated representative may not be the immediate supervisor of Volunteers assigned to sponsor. The chief executive officer of the sponsor or the designated representative shall respond in writing to the grievance within 5 working days after receipt. The chief executive officer or designee may not refuse to respond to a complaint on the basis that it is not a grievance as defined in § 1211.1-3(b), or that it is excluded from coverage under § 1211.1-5, but may, in the response, refuse to grant the relief requested on either of these grounds.

(b) *Consideration by ACTION State program officer.* If the matter is not resolved to the Volunteer's satisfaction by the sponsor's chief executive officer, the Volunteer may submit the grievance in writing to the ACTION State Program Officer who has responsibility for the project within 5 working days after receipt of the decision of the sponsor's chief executive officer. If the grievance involves a matter over which the sponsor has no control, or if the chief executive officer is the immediate supervisor of the volunteer, the procedures described in paragraph (a) of



this section may be omitted, and the Volunteer may present the grievance in writing directly to the State Program Officer within the time limits specified in paragraph (a) of this section. The State Program Officer may not refuse to receive a complaint, even if he or she believes it does not constitute a grievance, and shall respond to it in writing within 5 working days after receipt.

(c) *Discussion.* All parties to the informal grievance procedure must be prepared to participate in full discussion of the grievance, and to permit the participation of others who may have knowledge of the circumstances of the grievance in the discussion. State Program Officers and other ACTION employees may participate in discussions, and give interpretations of ACTION policies and procedures, at the request of any party, even prior to submission of a grievance to them.

(d) *Sponsor grievance procedure.* A sponsor may substitute their own grievance procedure for the procedure described in paragraph (a) of this section. Any such procedure must provide the Volunteer with an opportunity to present a grievance at least as comprehensive as that contained in this section, must meet the time limits of this section, and must be provided in writing to all Volunteers. In order to utilize their own grievance procedures, sponsor must obtain approval of the procedure from the ACTION State Director and file a copy of this approved procedure with the State Office.

#### § 1211.1-11 Initiation of formal grievance procedure.

(a) *Submission of grievance to regional director.* If a Volunteer is dissatisfied with the response of the State Program Officer required by § 1211.1-10(b) he or she may present the grievance in writing to the Regional Director. To be eligible for the formal grievance procedure, the volunteer must have completed action under the informal procedure contained in § 1211.1-10.

(b) *Contents of grievance.* The Volunteer's grievance must be in writing, contain sufficient detail to identify the grievance, specify the relief requested, and be signed by the Volunteer or a person designated by the Volunteer to be the representative for the purpose of the grievance.

(c) *Time limit.* The Volunteer must submit the grievance to the Regional Director within 15 days after receipt of the informal response from the State Program Officer.

(d) Within ten working days of the receipt of the grievance, the Regional Director shall, in whole or in part, either reject or decide the grievance. Any such action by the Regional Director shall be in writing and specify the basis for the determination.

(e) A grievance may be rejected in whole or in part, by the Regional Director for the following reasons:

(1) It was not filed within the time limit specified in paragraph (c) of this section, or

(2) The grievance consists of matters not contained within the definition of a grievance.

Rejection of a grievance by the Regional Director may be appealed by the Volunteer within 10 days of receipt of the notice to the Office of General Counsel. The Office shall within 5 working days of receipt of the grievance file determine the appropriateness of the rejection. The notice of the Office's determination shall be final and in writing. If the Office determines that the grievance was improperly rejected it shall return the grievance to the Regional Director for a determination on its merits by the Regional Director within 5 working days of such notification. The Regional Director's decision shall be in writing and specify the grounds for the decision.

(f) If a Volunteer is dissatisfied with the decision of the Regional Director he or she shall notify the Regional Director within 5 days from receipt of the decision and request the appointment of a Hearing Examiner. Upon receipt of this request, the Regional Director shall within 5 days appoint a Hearing Examiner who shall possess the qualifications specified in Appendix A to this part.

#### § 1211.1-12 Inquiry by hearing examiner.

(a) *Scope of inquiry.* The examiner shall conduct an inquiry of a nature and scope appropriate to the issues involved in the grievance. Unless waived by the Volunteer, a hearing must be held if the Hearing Examiner finds that the grievance involves relevant disputed issues of fact. If the grievance does not involve relevant disputed issues of fact, or if the Volunteer waives a hearing, the Hearing Examiner need not hold a hearing but must provide the parties an opportunity for oral presentation of their respective positions. At the Examiner's discretion, the inquiry may include:

(1) The securing of documentary evidence,

(2) Personal interviews, including telephone interviews,

(3) Group meetings,

(4) Affidavits, written interrogatories or depositions.

(b) *Conduct of Hearing.* If a hearing is held, the conduct of the hearing and production of witnesses shall conform with the following requirements:

(1) The hearing shall be held at a time and place determined by the Hearing Examiner who shall consider the convenience of parties and witnesses and expense to the Government in making the decision.

(2) Ordinarily, attendance at the hearing will be limited to persons determined by the Examiner to have a direct connection with the grievance. If requested by the Volunteer, the hearing examiner must open the hearing to the public.

(3) The hearing shall be conducted so as to bring out pertinent facts, including the production of pertinent records.

(4) Rules of evidence shall not be applied strictly, but the Examiner may exclude irrelevant or unduly repetitious testimony or evidence.

(5) Decisions on the admissibility of evidence or testimony shall be made by the Examiner.

(6) Testimony shall be under oath or affirmation, administered by the Examiner. (7) The Examiner shall give the parties an opportunity to present oral and written testimony that is relevant and material, and to cross-examine witnesses who appear to testify.

(8) The Examiner may exclude any person from the hearing for conduct that obstructs the hearing.

(c) *Witnesses.* (1) All parties are entitled to produce witnesses.

(2) Volunteers, employees of a sponsor, and employees of ACTION shall be made available as witnesses when requested by the Examiner. The Examiner may request witnesses on his or her own initiative. Parties shall furnish to the Examiner and to opposing parties a list of proposed witnesses, and an explanation of what the testimony of each is expected to show, at least ten days before the date of the hearing. The Hearing Examiner may waive the time limit in appropriate circumstances.

(3) Employees of ACTION shall remain in a duty status during the time they are made available as witnesses.

(4) Volunteers, employees and any other persons who serve as witnesses shall be free from coercion, discrimination or reprisal for presenting their testimony.

(5) The Hearing Examiner must authorize payment of travel expenses and per diem at standard government rates for the Volunteer and the representative to attend the hearing. Payment of travel expenses and per

diem at standard government rates for other witnesses to attend the hearing are authorized only after the Hearing Examiner determines that the required testimony cannot be satisfactorily obtained by affidavit, written interrogatories, or deposition, at a lesser cost.

(d) *Recording of Hearing.* A grievant may make a recording of the hearing at his or her own expense if no verbatim transcript is made.

(e) *Report of Hearing.* The Examiner shall determine how any hearing shall be reported and shall have either a verbatim transcript or written summary of the hearing prepared, which shall include all documents and exhibits submitted to and accepted by the Hearing Examiner during the course of the grievance. If the hearing is reported verbatim, the Examiner shall make the transcript a part of the record of the proceedings. If the hearing is not reported verbatim, a suitable summary of pertinent portions of the testimony shall be made part of the record of proceedings. When agreed to in writing, the summary constitutes the report of the hearing. If the Examiner and the parties fail to agree on the hearing summary, the parties are entitled to submit written exceptions to any part of the summary, and these written exceptions and the summary constitute the report of the hearing and shall be made a part of the record of proceedings.

#### § 1211.1-13 Grievance file and examiner's report.

(a) *Preparation and content.* The Examiner shall establish a grievance file containing all documents related to the grievance, including statements of witnesses, records or copies thereof, and the report of the hearing when a hearing was held. The file shall also contain the Hearing Examiner's report of findings and recommendations.

(b) *Review by volunteer.* On completion of the inquiry, the Examiner shall make the grievance file available to the Volunteer and the representative for review and comment. Their comments, if any, shall be submitted to the Hearing Examiner within 5 days after the file is made available and shall be included in the file.

(c) *Examiner's report.* After the volunteer has been given an opportunity to review the grievance file, the Examiner shall submit the complete grievance file to the Director of VISTA.

#### § 1211.1-14 Final Determination by Director of VISTA.

The Director of VISTA shall issue a written decision on the appeal to the

Volunteer within ten days after receipt of the appeal file. The decision shall include a statement of the basis for the determination. The Director's decision is final.

#### § 1211.1-15 Disposition of Grievance and Appeals Files.

All grievance and appeals files shall be retained by the Director of VISTA after the grievance has been settled, or a final decision has been made and implemented. No part of a grievance or appeal file may be made part of, or included in, a Volunteer's official personnel folder.

#### § 1211.1-16 Grievance Procedure for National Grant Volunteers.

The grievance procedure for national grant Volunteers shall be the same as that provided in this part with the following substitutions of officials:

(a) *Informal Grievance Procedure.* (1) The initiation of an informal grievance for a National Grant VISTA, see § 1211.1-10, shall normally be to the sponsor of the local component. If the grievance involves a matter solely within the control of the ACTION State Office, the Volunteer may present the grievance to the State Program Officer in lieu of the local component sponsor.

(2) If the Volunteer is not satisfied with the response of the appropriate official (sponsor of local component, or State Program Officer), the Volunteer may submit the grievance to the chief executive of the national grantee.

(b) *Formal grievance procedure.* The Chief, VISTA Grants Branch shall replace the Regional Director as the official in § 1211.1-11.

#### Appendix A—Standard for Examiners.

An examiner must meet the requirements specified in either (1), (2), (3), or (4) below:

(1)(a) Current employment in grade GS-12 or equivalent, or above.

(b) Satisfactory completion of a specialized course of training prescribed by the Civil Service Commission for examiners.

(c) At least four years of progressively responsible experience in administrative, managerial, professional, investigative, or technical work which has demonstrated the possession of:

(i) The personal attributes essential to the effective performance of the duties of an examiner, including integrity, discretion, reliability, objectivity, impartiality, resourcefulness, and emotional stability.

(ii) A high degree of ability to:

Identify and select appropriate sources of information; collect, organize, analyze, and evaluate information; and arrive at sound conclusions on the basis of that information;

Analyze situations; make an objective and logical determination of the pertinent facts, evaluate the facts; and develop practicable recommendations or decisions on the basis of facts;

Recognize the causes of complex problems and apply mature judgment in assessing the practical implications of alternative solutions to those problems;

Interpret and apply regulations and other complex written material;

Communicate effectively orally and in writing, including the ability to prepare clear and concise written reports; and

Deal effectively with individuals and groups, including the ability to gain the cooperation and confidence of others.

(iii) A good working knowledge of:

The relationship between volunteer administration and over-all management concerns; and

The principles, systems, methods, and administrative machinery for accomplishing the work of an organization.

(2) Designation as an arbitrator on a panel of arbitrators maintained by either the Federal Mediation and Conciliation Service or the American Arbitration Association.

(3) Current or former employment as, or current eligibility on the Civil Service Commission's register for, Hearing Examiner, GS-935-Q.

(4) Membership in good standing in the National Academy of Arbitrators.

(5) A former Federal employee who at the time of leaving the Federal service was in grade GS-12 or equivalent, or above, and who meets all the requirements specified for an examiner except completion of the prescribed training course, may be used as an examiner upon satisfactory completion of the training course.

Signed at Washington, D.C., this 7th day of November 1979.

Sam Brown,

Director of ACTION.

[FR Doc. 79-35313 Filed 11-15-79; 8:45 am]

BILLING CODE 5050-01-M

# Notices

Federal Register

Vol. 44, No. 223

Friday, November 16, 1979

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### Cow Town Auction, Colorado Springs, Colo., et al.; Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.*), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

#### Facility No., Name, and Location of Stockyard; Date of Posting

- CO—107 Cow Town Auction, Colorado Springs, Colorado; April 12, 1961.
- CO—109 Craig Sales Barn, Craig, Colorado; March 21, 1957.
- CO—124 Haxtun Sale Barn, Haxtun, Colorado; October 7, 1959.
- CO—131 Longmont Livestock Commission Co., Longmont, Colorado; October 2, 1959.
- GA—117 Columbus-Muskogee Livestock Auction, Inc., Columbus, Georgia; May 18, 1959.
- MT—109 Bitter Root Livestock Market, Hamilton, Montana; April 9, 1959.
- NM—114 Penasco Area Development Association, Vadito, New Mexico; November 25, 1969.
- OH—144 Woodsfield Livestock Sales, Inc., Woodsfield, Ohio; July 8, 1959.
- UT—108 Ranchers and Dairymen Auction, Inc., St. George, Utah; July 31, 1969.
- UT—110 Beehive Horseshow and Sale Corporation, Salt Lake City, Utah; October 8, 1969.
- UT—114 Vernal Livestock Auction, Incorporated, Vernal, Utah; October 23, 1959.
- WY—113 Star Valley Livestock, Freedom, Wyoming; June 6, 1974.
- WY—103 Lander Livestock Auction, Lander, Wyoming; June 27, 1957.

Notice or other public procedure has not proceeded promulgation of the foregoing rule. There is no legal

justification for not promptly deposting a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule relieving a restriction and may be made effective in less than 30 days after publication in the Federal Register. This notice shall become effective upon publication in the Federal Register.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 *et seq.*).

Done at Washington, D.C., this 13th day of November, 1979.

Edward L. Thompson,  
Chief, Registrations, Bonds and Reports  
Branch, Livestock Marketing Division.

[FR Doc. 79-35484 Filed 11-15-79; 8:45 am]  
BILLING CODE 3410-02-M

### Animal and Plant Health Inspection Service

#### Rangeland Grasshopper Cooperative Control Program; Draft Environmental Impact Statement

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of intent to prepare a revision of the Rangeland Grasshopper Cooperative Control Program Environmental Impact Statement; and notice public meeting.

SUMMARY: In order to reflect proposed program changes, the Department intends to revise the Rangeland Grasshopper Cooperative Control Program Environmental Impact Statement. This gives notice that a draft revised Environmental Impact Statement is under preparation pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, by the Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service. The draft is scheduled for completion January 1, 1980.

To provide opportunity for participation in the development of the revised draft environmental impact statement, comments are invited from all interested members of the public, from State and local agencies which administer plant pest control regulatory programs or are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any national program,

issue, or environmental impact involved. Additionally, a meeting will be held to provide for public participation to discuss the proposed revised Draft Environmental Impact Statement and the future direction of the grasshopper control program.

DATE: Comments must be received on or before December 14, 1979. The public meeting will be held on December 4, 1979, from 10 a.m. to 5 p.m.

ADDRESS: Public meeting will be held in the Denver Federal Center, Building 58, Denver, CO 80225. Written comments concerning matters pertaining to the proposed revised Draft Environmental Impact Statement should be addressed to the Pest Program Development Staff, Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture Federal Building, Hyattsville, MD 20782 by December 14, 1979.

FOR FURTHER INFORMATION CONTACT: Shannon W. Wilson, 301-436-8745.

Interested persons are invited to submit written comments concerning the proposed revised Draft Environmental Impact Statement. Comments should bear a reference to the date and page numbers of this issue of the Federal Register. All written comments made pursuant to this notice will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Room 630 Hyattsville, MD 20782, during regular hours of business, 8 a.m. to 4:30 p.m., Monday through Friday, except holidays.

Grasshoppers are destructive native pests on rangeland, forage, and crops mainly in the States west of the Mississippi River. Infestations are often of such an extent as to be beyond the capability of individuals to handle. Additionally, the migratory and widespread nature of the pests makes coordination of cooperative control efforts across State boundaries essential. Therefore, the Department has, in conjunction with cooperating State Departments of Agriculture, provided direct supervision and leadership of grasshopper control programs. In 1979 widespread grasshopper infestations and subsequent Federal-State-rancher cooperative control programs were the basis for extensive public and cooperator involvement.



Done at Washington, D.C., this 13th day of November 1979.

Thomas G. Darling,

*Acting Deputy Administrator, Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service.*

[FR Doc. 79-35483 Filed 11-15-79; 8:45 am]

BILLING CODE 3410-34-M

## Food and Nutrition Service

### National Advisory Council on Maternal, Infant and Fetal Nutrition; Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Council meeting:

Name: National Advisory Council on Maternal, Infant and Fetal Nutrition.

Date and time: 11:00 a.m., December 2, 1979.

Place: Sheraton—Old Town Inn, 800 Rio Grande Boulevard, N.W., Albuquerque, New Mexico 87104.

Purpose of meeting: The Council will continue its study of the Special Supplemental Food Program for Women, Infants and Children (WIC) and the Commodity Supplemental Food Program (CSFP).

Proposed agenda: The Council will discuss the information to be included in its 1980 report to the President and Congress.

This meeting will be open to the public. As time permits, members of the public may participate in the meeting.

Persons wishing additional information about the meeting should contact Lindy Dahnk, Supplemental Food Programs Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 447-8421.

Dated: November 8, 1979.

Carol Tucker Foreman,  
*Assistant Secretary.*

[FR Doc. 79-35092 Filed 11-15-79; 8:45 am]

BILLING CODE 3410-30-M

## DEPARTMENT OF COMMERCE

### Bureau of the Census

#### Survey of Distributors Stocks of Canned Foods; Determination

In conformity with title 13, United States Code, sections 182, 224, and 225, and due Notice of Consideration having been published October 9, 1979 (44 FR 57954), I have determined that year-end data on stocks of 30 canned and bottled products, including vegetables, fruits, juices, and fish, are needed to aid the efficient performance of essential government functions, that the data

have significant application to the needs of the public and industry, and that they are not publicly available from non-governmental or other governmental sources. This is a continuation of the survey conducted in previous years.

All respondents will be required to submit information covering their December 31, 1979 inventories of 30 canned and bottled vegetables, fruits, juices, and fish. Reports will not be required from all firms, but will be limited to a scientifically selected sample of wholesalers and retail multiunit organizations handling canned foods in order to provide, with measurable reliability, year-end inventories of the specified canned food items. These stocks will be measured in terms of actual cases, with separate data requested for "all sizes smaller than No. 10" and for "sizes No. 10 or larger." (In addition, multiunit firms reporting separately by establishment will be requested to update the list of their establishments maintaining canned food stocks.)

Report forms will be furnished to firms covered by the survey. Copies of the forms are available on request to the Director, Bureau of the Census, Washington, D.C. 20233.

I have, therefore, directed that this annual survey be conducted for the purpose of collecting these data.

Dated: November 9, 1979.

Vincent P. Barabba,  
*Director, Bureau of the Census.*

[FR Doc. 79-35363 Filed 11-15-79; 8:45 am]

BILLING CODE 3510-07-M

## Industry and Trade Administration

### Export Promotion Subcommittee of the President's Export Council; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. (1976) notice is hereby given that a meeting of the Export Promotion Subcommittee of the President's Export Council will be held on Monday, November 26, at 8:30 a.m. in the San Francisco Airport Hilton Hotel, San Francisco, California. The Council was initially established by Executive Order 11753 of December 20, 1973, subsequently extended by Executive Order 11827 of January 4, 1975, Executive Order 11948 of December 20, 1976, and Executive Order 12100 of December 28, 1978. The Council was reconstituted by Executive Order 12131 of May 4, 1979, to advise the President

on matters relating to United States export trade. The Subcommittee has been formed to make recommendations to the Council regarding programs to promote U.S. exports and to create greater export awareness in the U.S. The Subcommittee is composed solely of members of the Council.

This meeting is being called on short notice to accommodate the schedule of the participants and in order for the Subcommittee to report on its progress at the Executive Committee Meeting planned for December 5.

The purpose of the meeting is to obtain the views of export multiplier organizations on export promotion activities of the Council and to continue work on ongoing projects of the Subcommittee.

The agenda for the meeting will be as follows:

Introduction by the Chairman on the functions of the Subcommittee and the need for assistance from private organizations.

Solicitation of comments and suggestions from invited guests on how private associations and other groups can help in export promotion efforts.

Break for lunch.

Discussion on recommendations arising from morning meeting.

Reports from Subcommittee members on ongoing projects: Export advertising campaign. Trade intermediary concept.

Discussion, other general business, announcements.

A limited number of seats at the meeting will be available to the public on a first-come basis. The public may file written statements with the subcommittee before or after each meeting. Oral statements may be presented at the end of the meeting to the extent that time is available.

Copies of the minutes of the meeting and further information concerning the President's Export Council may be obtained from Ms. Wendy Haimes, Room 3814, Industry and Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone (202) 377-5719.

Dated: November 9, 1979.

Peter G. Gould,  
*Deputy Assistant Secretary for Export Development.*

[FR Doc. 79-35499 Filed 11-15-79; 8:45 am]

BILLING CODE 3510-25-M

### Subcommittee on Export Expansion of the President's Export Council; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5

U.S.C. App. (1976), notice is hereby given that a meeting of the Subcommittee on Export Expansion of the President's Export Council will be held on Wednesday, December 5, 1979, at 10:00 a.m. in Room 4830, Main Commerce Building, 14th Street and Constitution Avenue, N.W., Washington, D.C.

The President's Export Council (PEC) was established by Executive Order 11753 of December 20, 1973, extended by Executive Order 11827 of January 4, 1975, Executive Order 11948 of December 20, 1976, and Executive Order 12110 of December 28, 1978. The PEC was reconstituted by Executive Order 12131 of May 4, 1979, to advise the President on matters relating to United States export trade, including the implementation of the President's National Export Policy. The Subcommittee has been formed to make recommendations to the PEC on matters related to U.S. policies, practices and procedures which assist or inhibit the expansion of U.S. exports in the areas of finance, taxation, disincentives, transportation and documentation, as well as broader economic policies affecting the competitiveness of U.S. exports. The Subcommittee is composed solely of members of the Council.

The Subcommittee meeting agenda is as follows:

1. Opening remarks of the Chairman.
2. Presentation of task force findings on taxation of Americans working abroad.
3. Discussion of the DISC export tax incentive.
4. Discussion of Eximbank competitiveness.
5. Discussion of measures to improve productivity.
6. Determination of future work program.

The meeting is open to the public at which a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

For further information, contact Mr. Brant W. Free, PEC Subcommittee on Export Expansion, Room 4312, U.S. Department of Commerce, Washington, D.C. 20230, telephone (202) 377-3575. Minutes of the meeting may be obtained from Mr. Free.

Dated: November 8, 1979.

David Biltchik,

Acting Deputy Assistant Secretary for International Economic Policy and Research,  
U.S. Department of Commerce.

[FR Doc. 79-35370 Filed 11-15-79; 8:45 am]

BILLING CODE 3510-25-M

## COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED:

### Procurement List 1979; Proposed Addition.

**AGENCY:** Committee for Purchase from the Blind and Other Severely Handicapped.

**ACTION:** Proposed Addition to Procurement List.

**SUMMARY:** The Committee has received a proposal to add to Procurement List 1979 a service to be provided by workshops for the blind and other severely handicapped.

**COMMENTS MUST BE RECEIVED ON OR BEFORE:** December 19, 1979.

**ADDRESS:** Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

**FOR FURTHER INFORMATION CONTACT:** C.W. Fletcher, (703) 557-1145.

**SUPPLEMENTARY INFORMATION:** This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77.

If the Committee approves the proposed addition, all entities of the Federal Government will be required to procure the service listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following service to Procurement List 1979, November 15, 1978 (43 FR 53151):

#### SIC 7349

Janitorial Service, Leo W. O'Brien Federal Building, Clinton Avenue & N. Pearl Street, Albany, New York 12207.

C.W. Fletcher,

Executive Director.

[FR Doc. 79-35425 Filed 11-15-79; 8:45 am]

BILLING CODE 6820-33-M

### Procurement List 1979; Addition

**AGENCY:** Committee for Purchase from the Blind and Other Severely Handicapped.

**ACTION:** Addition to Procurement List.

**SUMMARY:** This action adds to Procurement List 1979 commodities to be produced by workshops for the blind or other severely handicapped.

**EFFECTIVE DATE:** November 16, 1979.

**ADDRESS:** Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

**FOR FURTHER INFORMATION CONTACT:** C.W. Fletcher, (703) 557-1145.

**SUPPLEMENTARY INFORMATION:** On August 27, 1979 the Committee for

Purchase from the Blind and Other Severely Handicapped published notice (44 F.R. 50080) of proposed addition to Procurement List 1979, November 15, 1978 (43 F.R. 53151).

After consideration of the relevant matter presented, the Committee has determined that the commodities listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c, 85 Stat. 77.

Accordingly, the following commodities are hereby added to Procurement List 1979:

#### Class 7530

Pad, Writing Paper

7530-00-285-3083 (CSA Regions 3, 4)

7530-00-285-3088 (CSA Regions 9, 10)

7530-00-239-8479 (CSA Regions 3, 9, 10)

7530-00-286-6173 (CSA Regions 1, 5, 7)

C. W. Fletcher,

Executive Director.

[FR Doc. 79-35426 Filed 11-15-79; 8:45 am]

BILLING CODE 6820-33-M

## COMMODITY FUTURES TRADING COMMISSION

**Publication of and Request for Comment on Proposed Contract Market Rules; Amendment and New Regulation of the Chicago Board of Trade, Pertaining to Trading in Silver Futures Contracts.**

The Commodity Futures Trading Commission ("Commission") is requesting public comment on an amendment to regulation 1412.01 and new regulation 1412.02 submitted by the Chicago Board of Trade for Commission approval, pursuant to section 5a(12) of the Commodity Exchange Act ("Act"), 7 U.S.C. 7a(12) (1976). These proposed rules, which impose position limits on the trading of silver futures contracts, provide as follows:

#### 1412.01. Position Limits.

(a) *The limit on the maximum net long or net short position which any person may hold or control in Silver, either alone or in conjunction with any other person, is 600 contracts of 5,000 troy ounces each in any one future or in all futures combined. The word "person" shall be construed to import the plural or singular, and shall include individuals, associations, partnerships, corporations and trusts, and shall also include any omnibus account except to the extent that the carrying member, registered partnership or registered corporation maintains books and records in the United States, available to the Association upon request, which disclose the identity and positions held by the customers comprising such omnibus accounts.*

*On and after the effective date of this provision, the Board may direct any member, registered partnership or registered corporation holding, controlling or carrying a position in excess of the limits set herein to liquidate or otherwise reduce the position in conformity with this provision.*

*The foregoing limit on positions shall not apply to bona fide hedging transactions.*

**1412.02. Effective Date of Position Limits.**

The position limits established in Regulation 1412.01(a) shall be effective immediately as to any person (as defined therein) not presently holding or controlling an amount of Silver Futures in excess of such position limits, and no person presently in excess of such position limits shall cause his or its position to increase further. With respect to persons holding or controlling positions in excess of the position limits established in Regulation 1412.01(a) such persons shall come into compliance with such limits not later than April 1, 1980.

Any person interested in submitting written data or views on these proposed rules should send his comments by December 17, 1979 to Ms. Jane Stuckey, Executive Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW, Washington, D.C. 20581.

Issued in Washington, D.C., on November 6, 1979.

Jane K. Stuckey,  
*Secretary of the Commission.*

[FR Doc. 79-35318 Filed 11-15-79; 8:45 am]  
BILLING CODE 6351-01-M

## CONSUMER PRODUCT SAFETY COMMISSION

### National Advisory Committee for the Flammable Fabrics Act; Meeting

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Notice of Meeting: National Advisory Committee for the Flammable Fabrics Act.

**SUMMARY:** This notice announces a meeting of the National Advisory Committee on Monday, December 17, 1979, from 10:00 a.m. to 4:00 p.m., and Tuesday, December 18, 1979, from 9:30 a.m. to 12:30 p.m. On Monday, the meeting will be held at the National Bureau of Standards, Gaithersburg, Maryland. On Tuesday, the meeting will be held at 1111 18th Street, N.W., Washington, D.C. 20207, Third Floor Conference Room.

**FOR FURTHER INFORMATION CONTACT:** Catherine Bolger, Office of the

Secretary, Suite 300, 1111 18th Street, N.W., Washington, D.C. 20207 (202) 634-7700.

**SUPPLEMENTARY INFORMATION:** The National Advisory Committee provides advice and recommendations on Commission proposals and plans to reduce the frequency and severity of burn injuries involving flammable fabrics. The meeting on Monday morning, December 17, 1979, will be devoted to an introduction and orientation to CPSC textile flammability programs. In the afternoon, the Committee will tour the National Bureau of Standards facilities where textile flammability tests are conducted.

On Tuesday, December 18, 1979, the meeting will be devoted to an evaluation of flammable fabrics standards, upholstered furniture and a documentary film on burn patient care. The meeting is open to the public; however, space is limited. Persons who wish to make oral or written presentations to the National Advisory Committee should notify the Office of the Secretary (see address above) by December 12, 1979. The notification should list the name of the individual who will make the presentation, the person, company, group or industry on whose behalf the presentation will be made, the subject matter, and the approximate time requested. Time permitting, these presentations and other statements from the audience to members of the Committee may be allowed by the presiding officer.

Dated: November 9, 1979.

Sadye E. Dunn,  
*Secretary, Consumer Product Safety Commission.*

[FR Doc. 79-35491 Filed 11-15-79; 8:45 am]  
BILLING CODE 6355-01-M

### Product Safety Advisory Council; Meeting

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Notice of Meeting: Product Safety Advisory Council.

**SUMMARY:** This notice announces a meeting of the Product Safety Advisory Council on Monday, December 3, 1979, and Tuesday, December 4, 1979. The meeting will be held at 1111 18th Street, NW., Washington, D.C. 20207, Third Floor Conference Room.

**FOR FURTHER INFORMATION CONTACT:** Catherine Bolger, Office of the Secretary, Suite 300, 1111 18th Street, NW., Washington, D.C. 20207, 202/634-7700.

**SUPPLEMENTAL INFORMATION:** The Product Safety Advisory Council was established by section 28 of the Consumer Product Safety Act, which provides that the Commission may consult with the Council before prescribing a consumer product safety rule or taking other action under the Act.

The agenda for the December 3-4 meeting has not yet been finalized; however, the topics of discussion will probably include issues relating to recall effectiveness and labeling. For further information on the agenda topics and times of the meeting, contact Ms. Bolger at the address and telephone number noted above.

The meeting is open to the public; however, space is limited. Persons who wish to make oral written presentation to the Product Safety Advisory Council should notify the Office of the Secretary (see address above) by November 28, 1979. The notification should list the name of the individual who will make the presentation, the person, the company, group or industry on whose behalf the presentation will be made, the subject matter, and the approximate time requested. Time permitting, these presentations and other statements from the audience to members of the Council may be allowed by the presiding officer.

Dated: November 9, 1979.

Sadye E. Dunn,  
*Secretary, Consumer Product Safety Commission.*

[FR Doc. 79-35490 Filed 11-15-79; 8:45 am]  
BILLING CODE 6355-01-M

### Technical Advisory Committee on Poison Prevention Packaging; Meeting

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Notice of meeting: Technical Advisory Committee on Poison Prevention Packaging.

**SUMMARY:** This notice announces a meeting of the Technical Advisory Committee on Monday, December 10, 1979 from 9:00 a.m. to 4:30 p.m., and Tuesday, December 11, 1979 from 9:00 a.m. to 1:30 p.m. The meeting will be held at 1111 18th Street, N.W., Washington, D.C., Third Floor Conference Room.

**FOR FURTHER INFORMATION CONTACT:** Catherine Bolger Office of the Secretary, Suite 300, 1111 18th Street, N.W., Washington, D.C. 20207, (202) 634-7700.

**SUPPLEMENTARY INFORMATION:** The Technical Advisory Committee provides advice and recommendations on the types and kinds of products which require special packaging that will protect children from injury or illness resulting from handling or ingestion of

household substances. The Monday morning session will be devoted to an orientation for the members on the Committee. The afternoon session will be devoted to a discussion of an exemption of oral contraceptives from prescription drug regulations. The Tuesday session will include discussions of exemptions for acetaminophen from special packaging regulations, the home usage of special packaging, and reversible and convertible issues related to child-resistant packaging. The meeting is open to the public; however, space is limited. Persons who wish to make oral or written presentations to the Technical Advisory Committee should notify the Office of the Secretary (see address above) by December 5, 1979. The notification should list the name of the individual who will make the presentation, the person, company, group or industry on whose behalf the presentation will be made, the subject matter and the approximate time requested. Time permitting, these presentations and other statements from the audience to the Committee may be allowed by the presiding officer.

Dated: November 9, 1979.

Sadye E. Dunn,  
Secretary, Consumer Product Safety  
Commission.

[FR Doc. 79-35492 Filed 11-15-79; 8:45 am]  
BILLING CODE 6355-01-M

## DEPARTMENT OF DEFENSE

### Corps of Engineers, Department of the Army

#### Intent To Prepare a Draft Environmental Impact Statement for East Cape Girardeau, Ill. (Big Five)

AGENCY: St. Louis District, U.S. Army Corps of Engineers.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement for East Cape Girardeau et al., Illinois (Big Five).

**SUMMARY: 1. Proposed Action:** The proposed action is to prepare a Draft Environmental Impact Statement for the East Cape Girardeau, Illinois, (Big Five), general Investigation Study concerning flooding and related land use improvements. Nonstructural measures will address controlling the existing and future land use as well as future development which may be located on floodprone land. Structural measures will provide a means for preventing or reducing flood damage to existing development. Environmental quality measures will be combined with

nonstructural and structural measures to enhance fish and wildlife resources and preserve significant archeological sites.

**2. Alternatives:** Alternatives studied will include applicable structural and nonstructural measures such as: residential relocation, flood proofing, converting to nondamagable land use, hillside reservoirs, ponding areas, diversion ditches, pumping stations, additional gravity drains, and no action.

**3. Scoping Process:** a. *Public Involvement Program:* The public involvement program began with the initial public meeting which was held on 17 February 1971. Input in the form of problems and concerns was formally received from interested individuals and organizations at this meeting, and also informally received from individuals interviewed during the problem identification phase of the study. A second public meeting was held on 8 March 1979 to present the plans which had been developed during the preliminary stages of the study. In a major portion of this meeting, attendants were placed in small groups to afford a better exchange of ideas and insure that everyone had an opportunity to express their opinion. The scoping process, as outlined by the Council of Environmental Quality (29 November 1978), will be incorporated into our existing planning process. Public meetings will be scheduled throughout the remainder of the study as plans become better defined through more detailed studies and incorporation of the public's impact.

b. *Significant Issues:* Significant issues addressed in the Draft Environmental Impact Statement will include a description of recreation, natural, social, and cultural resources, enhancement of fish and wildlife habitat, endangered species, groundwater geology of selected wetlands, and an analysis of the impact on the environment regarding the proposed action.

c. *Lead Agency and Cooperating Agency Responsibilities:* The St. Louis District, Army Corps of Engineers, is the lead agency responsible for the preparation of the Draft Environmental Impact Statement. The U.S. Fish and Wildlife Service will be requested to participate as a cooperating agency.

d. *Environmental Review and Consultation Requirements:* The completed Draft Environmental Impact Statement will be distributed to the appropriate Federal, state and local agencies, representatives of environmental groups, and other interested individuals. The Draft Environmental Impact Statement will contain records of compliance with

designated comments found applicable during the course of this study.

**4. Scoping Meeting:** Separate scoping meetings will not be scheduled because of the project's advanced planning stage. Public meetings and meetings with Federal, state and local agencies, as well as with representatives of environmental groups, have been an integral part of the planning process. Public information meetings will continue throughout the duration of the study.

**5. Draft Environmental Impact Statement Preparation:** The Draft Environmental Impact Statement is tentatively scheduled to be completed in the second quarter of fiscal year 1980 (January, 1980).

**ADDRESS:** Questions about the proposed action and the Draft Environmental Impact Statement can be answered by: Mr. Jack F. Rasmussen, Chief, Planning Branch, U.S. Army Corps of Engineer District, St. Louis, 210 N. 12th Street, St. Louis, Missouri 63101.

Dated: November 6, 1979.

Robert J. Dacey,  
Colonel, CE, District Engineer.

[FR Doc. 79-35433 Filed 11-15-79; 8:45 am]  
BILLING CODE 3710-GS-M

#### To Prepare a Draft Environmental Impact Statement for Platin Creek, Mo.

AGENCY: St. Louis District, U.S. Army Corps of Engineers.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement for Platin Creek, Missouri.

**SUMMARY: 1. Proposed Action:** The proposed action is to prepare a Draft Environmental Impact Statement for the Platin Creek, Missouri, General Investigation Study regarding flood control and related water resource improvements. These measures will address controlling the existing and future land use and will provide varying degrees of flood control.

**2. Alternatives:** Alternatives will include applicable structural and nonstructural measures such as: levee, gravity drain, pumping station, ponding areas, retention reservoirs, floodplain zoning, floodproofing, channel straightening, and channel enlarging. Various mixes of the structural measures will provide higher degrees of flood protection and opportunities for wildlife enhancement.

**3. Scoping Process:** a. *Public Involvement Program:* The public involvement program began with a public meeting held on 20 January 1975. Statements concerning flood damages

and flood control improvements, as well as support for a levee solution, were received at this meeting. The public meeting resulted in interviews with local officials and property owners. The interviews were useful in sharing information among all concerned with the study. The scoping process, as outlined by the Council of Environmental Quality (29 November 1978), will be incorporated into the existing planning process. Public meetings will be scheduled to present alternative solutions prior to selection of a plan of improvement, and to present the recommended plan of improvement.

**b. Significant Issues:** Significant issues addressed in the Draft Environmental Impact Statement will include archeological considerations, fish and wildlife resources, rare and endangered species, and an analysis of the impact on the environment regarding the proposed action and the economically justified alternatives.

**c. Lead Agency:** The St. Louis District, Corps of Engineers, is the lead agency responsible for the preparation of the Draft Environmental Impact Statement. Coordination will be maintained with the U.S. Fish and Wildlife Service, Environmental Protection Agency, Heritage Conservation and Recreation Service, Missouri Department of Natural Resources, Missouri Department of Conservation, and elected officials of both communities.

**d. Environmental Review and Consultation Requirements:** The completed Draft Environmental Impact Statement will be distributed to the appropriate Federal, state, and local agencies; representatives of environmental groups; and other interested individuals. The Draft Environmental Impact Statement will contain records of compliance with designated comments found applicable during the course of this study.

**4. Scoping Meeting:** Separate scoping meetings will not be scheduled because of the project's advanced planning stage. Public meetings have been a part of the planning process and will continue in the form of informational meetings throughout the duration of the study.

**5. Draft Environmental Impact Statement Preparation:** The Draft Environmental Impact Statement is tentatively scheduled to be completed in the second quarter of FY 80 (January-March).

**ADDRESS:** Questions about the proposed action and the Draft Environmental Impact Statement can be answered by: Mr. Jack F. Rasmussen, Chief, Planning Branch, U.S. Army Engineer District, St.

Louis, 210 N. 12th Street, St. Louis, Missouri 63101.

Dated: November 9, 1979.

Robert J. Dacey,

Colonel, CE, District Engineer.

[FR Doc. 79-35434 Filed 11-15-79; 8:45 am]

BILLING CODE 3710-GS-M

## DEPARTMENT OF ENERGY

### Compliance With the National Environmental Policy Act Intent To Prepare Environmental Impact Statement and Conduct a Public Scoping Meeting

**AGENCY:** Department of Energy.

**ACTION:** Notice of intent to prepare a Draft Environmental Impact Statement (DEIS) for a high Btu pipeline gasification plant in Noble County, Ohio and to conduct a public scoping meeting.

**SUMMARY:** The Department of Energy (DOE) announces its intent to prepare a DEIS in accordance with Section 102(2)(c) of the National Environmental Policy Act (NEPA), to assess the environmental implications of a proposed DOE action to cost-share the construction and operation of a proposed Clean Pipeline Gas Demonstration Plant to be located in Noble County, Ohio (near Caldwell, Ohio). The applicant, the Continental Oil Company, proposed a facility which would convert 1,243 tons per day (942 TPD MAF) of high sulfur coal into clean pipeline gas for pipeline distribution.

Interested agencies, organizations, and the general public desiring to submit comments or suggestions for consideration in connection with the preparation of this DEIS are invited to do so. Upon completion of the DEIS, its availability will be announced in the Federal Register, at which time comments will be solicited. Interested agencies, organizations and the general public are also invited to attend a public scoping meeting which will be held on December 4, 1979 in order to assist DOE in identifying significant environmental issues and their potential impacts.

All comments may be expressed in writing to: Mr. R. A. Verner, Program Manager, CONOCO Demonstration Plant, Mail Station F-308, Germantown, U.S. Department of Energy, Washington, DC 20545, Phone: (301) 353-5988.

For the general information on the EIS process contact: Ms. Mary Shaughnessy, NEPA Affairs Division, Office of the Assistant Secretary for Environment, U.S. Department of Energy, 1000 Independence Avenue, SW, Room 4G-064, Washington, DC 20585, Phone: (202) 252-4610.

## Background Information

On October 3, 1975, DOE published a Request for Proposal RFP-E(49-180-2012) entitled "Pipeline Gas Demonstration Plant." From the respondents to this RFP, two competing proposals were accepted. Contracts have been signed with the Continental Oil Company (CONOCO) for this project in Noble County, Ohio, and with Illinois Coal Gasification Group (ICGG) for a proposed project at Perry County, Illinois (a Notice of Intent to prepare a DEIS on the ICGG facility is also being issued) to carry these proposals through the preliminary design stage. This work is currently underway.

## Process Description

Raw high sulfur coal is crushed, washed, and screened to be fed to a high pressure, fixed-bed, countercurrent, oxygen-blown slagging gasifier identified as the British Gas/Lurgi slagging gasifier. Here coal is gasified with steam and oxygen introduced into the bottom of the gasifier. Molten slag falls through a tap hole into a water quench vessel. It immediately solidifies and is removed by means of conveyor system. Crude synthesis gas leaves the top of the gasifier and enters a scrubber. The scrubber cools the gas and removes aqueous gas liquor which consists of the condensibles, primarily water mixed with tars, oils, dust, phenols, and ammonia.

Gas is cooled further to remove additional condensible liquids and to recover waste heat. Cooled gas is treated in a Rectisol acid gas absorption unit, which uses cold methanol as the absorbent.

The purified gas from the Rectisol unit is processed through a CO shift conversion unit to increase the hydrogen-to-carbon monoxide ratio prior to methanation.

Shifted gas is then processed through a CO<sub>2</sub> removal unit where the majority of the CO<sub>2</sub> is removed by contact with a circulating hot potassium carbonate stream.

Purified gas from the CO<sub>2</sub> removal unit is fed to a fixed-bed methanation unit which primarily converts carbon monoxide into methane and water.

Product gas from methanation, after compression, is further processed through a conventional tri-ethylene glycol (TEG) unit to reduce the moisture to meet pipeline gas moisture specifications.

Dried gas leaving the TEG drying unit is introduced into a natural gas pipeline system.

By-product processing units are provided for gas liquor separation,

phenol recovery, ammonia recovery, and sulfur recovery. All of these units are based on commercially-proven processes or concepts.

The specific objective of the CONOCO demonstration plant is to:

- Demonstrate the technical, environmental and economic feasibility of producing a clean pipeline gas from coal using a fixed bed gasifier developed by Lurgi and British Gas.

General objectives of the High BTU coal gasification program are to:

- Make technical improvements in the demonstration plant to advance the present state-of-the-art in the field of coal gasification for pipeline gas.
- Encourage commercial applications of the process for clean pipeline gas production from coal.

Products expected from the CONOCO plant are:

#### Products of Process

	lbs/hr	wt. pct.
Gas Product.....	33,611	32.1 (19.0 MMSCF/D)
Naphtha 30 API.....	1,852	1.8 (145 B/D)
Oil 20 API.....	2,696	2.7 (198 B/D)

The preliminary design phase is being funded by the Government for this project while the detail design, procurement, construction, and operation phases for the project will be co-funded, 50 percent from Government and 50 percent from industry. At the end of a successful demonstration phase, the industrial partner would return the Government interest for the facility with product revenues.

The purpose of this Notice is to present pertinent background information regarding the proposed scope and content of the Statement and to solicit comments and suggestions for consideration in its preparation. The environmental and socioeconomic impacts of the proposed CONOCO facility will be assessed in the DEIS. The DEIS will examine; to the extent practical, effects of possible construction and operation by private industry alone of an expanded commercial facility of this process at this site or elsewhere. In addition, the DEIS will discuss other similar projects which may bear on the proposed action including the proposed ICGG facility.

#### Identification of Environmental and Socioeconomic Issues

The following issues will be analyzed during the preparation of the EIS. The list is not intended to be all inclusive, nor is it intended to be a predetermination of impacts.

(1) The competition for labor among the proposed project and local activities,

and the effects of the resulting labor immigration on the local infrastructure.

(2) The effects of the proposed action on the community of Noble County, Ohio.

(3) An evaluation of the tax assessment procedures and distribution with attention to state and local tax jurisdictions.

(4) The exposure of the public to noise and odors.

(5) The effects of coal and ash storage and plant runoff on surface water and ground water quality and aquatic ecology.

(6) The effects of the proposed facility on air quality including the combined effects with other major or planned emission sources in the area.

(7) The effects of potential accidents and product releases on human health.

(8) The effects of potential accidents and product releases on water supply and ecology.

(9) The effects of construction on present and future land use and terrestrial ecology.

(10) The effects of the project on local water resources including Senecaville Lake (water source) and Duck Creek (water effluent).

#### Alternatives

The DEIS for the proposed action will examine the environmental effects of the action and compare them to the environmental effects of reasonable alternatives. The action will be considered from the standpoint of demonstration plant construction and operation and, to the extent possible, the future options of commercialization, mothballing, and decommissioning. The EIS will examine the following alternatives to the proposed action: alternative fossil energy development and demonstration programs; alternate fates for this project, including no action and delayed action; alternative plant sites and alternative plant designs.

#### Comments and Scoping Meeting

All interested parties are invited to attend a scoping meeting and submit comments or suggestions in connection with the preparation of the EIS. Written comments or suggestions may be submitted in lieu of or in addition to participation at the scoping meeting. Those desiring to submit comments or suggestions for issues to be addressed in the Draft EIS should submit them to the following address: U.S. Department of Energy, Office of Project Management, Mail Stop F-308, Germantown, Attn: R. A. Verner, Program.

Those wishing to participate in the scoping process may attend a public meeting to be held at Noble County

Community Center, Caldwell, Ohio at 7:00 p.m. the evening of December 4, 1979.

The meeting will not be conducted as an evidentiary hearing and those who choose to make statements may not be cross-examined by other speakers. To provide the Department of Energy with as much pertinent information as possible and as many views as can reasonably be obtained, and to provide interested persons with equitable opportunities to express their views:

1. Speakers will be called on to testify in the order they sign in expressing their intent to speak.

2. Should any speaker desire to provide further information for the record, it may be submitted in writing within ten days subsequent to the meeting. Written comments will be considered and given equal weight to oral comments.

3. A transcript of the meeting will be retained by DOE and made available for inspection at the Freedom of Information Library, Room GA-152, Forrestal Bldg., 1000 Independence Ave., NW., Washington, D.C. 20585 between the hours of 8 a.m. and 4:30 p.m., Monday through Friday.

Upon completion of the Draft EIS, its availability will be announced in the Federal Register and public comments will again be solicited.

Those not desiring to submit comments or suggestions at this time but who would like to receive a copy of the Draft EIS for review and comments when it is issued should also notify the above contact. Those seeking further information may inquire with the above contact or to: Ms. Mary Shaughnessy, NEPA Affairs Division, Office of the Assistant Secretary for Environment, U.S. Department of Energy, Room 4G-064, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-4610.

Copies of the documents currently planned to be used in the preparation of the Draft EIS are available for public inspection at: Courthouse Annex (Chamber of Commerce Room), Caldwell, Ohio 43724.

In addition, a copy of the bibliography of these documents is available for inspection at the following DOE locations:

Public Reading Room, FOI, Room GA-152, 1000 Independence Ave., SW, Washington, D.C. 20585.  
Chicago Operations Office, 9800 South Cass Avenue, Argonne, Ill. 60639.  
Chicago Operations and Regional Office, 175 West Jackson Boulevard, Chicago, Ill. 60604.  
Idaho Operations Office, 550 Second Street, Idaho Falls, Idaho 83401.



Nevada Operations Office, 2753 South Highland Drive, Las Vegas, Nev. 89114.  
 Albuquerque Operations Office National Atomic Museum Kirkland Air Force Base East Albuquerque, N. Mex. 87715.  
 Oak Ridge Operations Office Federal Building Oak Ridge, Tenn. 37830.  
 Richland Operations Office, Federal Building, Richland, Wash. 99352.  
 Energy Information Center, 215 Fremont Street, San Francisco, Calif. 94105.  
 Savannah River Operations Office, Savannah River Plant, Aiken, S.C. 29801.  
 Regional Energy/Environment Information Center, Denver Public Library, 1357 Broadway Operations Office, Denver, Colo. 80210.

All suggestions, comments and questions submitted to R. A. Verner prior to December 31, 1979, will be carefully considered in the environmental impact statement.

Dated at Washington, D.C., November 14, 1979.

For the United States Department of Energy.

Ruth C. Clusen,  
*Assistant Secretary for Environment.*

[FR Doc. 35525 Filed 11-14-79; 8:45 am]

BILLING CODE 6450-01-M

### Compliance With the National Environmental Policy Act Intent To Prepare Environmental Impact Statement

**AGENCY:** Department of Energy.

**ACTION:** Notice of Intent to prepare a Draft Environmental Impact Statement (DEIS) for a high Btu pipeline gasification plant in Perry County, Illinois.

**SUMMARY:** The Department of Energy (DOE) announces its intent to prepare a DEIS in accordance with Section 102(2)(c) of the National Environmental Policy Act (NEPA), to assess the environmental implications of a proposed DOE action to cost-share the construction and operation of a proposed Clean Pipeline Gas Demonstration Plant to be located in Perry County, Illinois (near Cutler, Illinois). The applicant, the Illinois Coal Gasification Group proposed a facility which would convert 2330 tons per day of high sulfur coal into clean pipeline gas for pipeline distribution.

Interested agencies, organizations, and the general public desiring to submit comments or suggestions for consideration in connection with the preparation of this DEIS are invited to do so. Upon completion of the DEIS, its availability will be announced in the Federal Register, at which time comments will be solicited.

All comments may be expressed in writing to: Mr. J. Malcolm, Program Manager, ICGG Demonstration Plant, Mail Station F-308, Germantown, U.S. Department of Energy, Washington, DC 20545, Phone: (301) 353-5987.

For the general information on the EIS process contact: Ms. Mary Shaughnessy, NEPA Affairs Division, Office of the Assistant Secretary for Environment, U.S. Department of Energy, 1000 Independence Avenue, SW, Room 4G-064, Washington, DC 20585, Phone: (202) 252-4610.

### Background Information

On October 3, 1975, DOE published a Request for Proposal RFP-E(49-180-2012) entitled "Pipeline Gas Demonstration Plant." From the respondents to this RFP, two competing proposals were accepted. Contracts have been signed with the Continental Oil Company (CONOCO) for this project in Noble County, Ohio, and with Illinois Coal Gasification Group (ICGG) for a proposed project at Perry County, Illinois, (a Notice of Intent to prepare a DEIS on the CONOCO facility is also being issued) to carry these proposals through the preliminary design stage. This work is currently underway.

### Process Description:

The COGAS process for the ICGG demonstration plant is a low pressure process which incorporates multi-stage (3 to 4 stages) pyrolysis units and a fluidized bed gasifier. Pyrolysis is carried out in fluidized bed vessels to complete the coal drying, evolve oil and gas fractions, and produce a low-volatile char for gasification. The gasification section produces a synthesis gas by stream gasification of char produced in pyrolysis.

Char fines are fired with air in a slagging cyclone combustor to produce the flue gas and the combustor rejects the molten ash into a slag lock-hopper. The flue gas stream contains approximately half the heat generated in the combustor and sufficient kinetic energy to supply the combustion air compression requirements. The flue gases flow to a flue gas oxidizer where the combustion is recovered as steam and the carbon monoxide content is reduced to meet emission standards by combustion with air. Flue gas continues through expander turbines which provide shaft horsepower to compress combustion air. The flue gas goes through feedwater heaters and then to SO<sub>2</sub> removal.

The specific objective of the ICGG demonstration plant is to:

- Demonstrate the technical, environmental and economic feasibility

of producing a clean pipeline gas from coal using the staged fluidized bed pyrolysis system (COGAS) developed by the COGAS Development Company.

General objectives of the High BTU coal gasification program are to:

- Make improvements in the demonstration plant to advance the present state-of-the-art in the field of coal gasification for pipeline gas.
- Encourage commercial applications of the process for clean pipeline gas production from coal.

Products expected from the ICG plant are:

### Products of Process

#### Product and Daily Production

Gas Product: 23.2 MMSCF/D (950 Btu/SCF)  
 Naptha: 360 B/D  
 No. 2 Fuel Oil: 1115 B/D  
 No. 6 Fuel Oil: 428 B/D  
 Ammonia: 8.7 T/D  
 Sulfur: 70.0 T/D

The preliminary design phase is being funded by the Government for this project while the detailed design, procurement, construction, and operation phases for the project are proposed to be co-funded, 50 percent from Government and 50 percent from industry. At the end of a successful demonstration phase, the industrial partner would return the Government interest for the facility with product revenues.

The purpose of this Notice is to present pertinent background information regarding the proposed scope and content of the Statement and to solicit comments and suggestions for consideration in its preparation. The environmental and socioeconomic impacts of the proposed CONOCO facility will be assessed in the DEIS. The DEIS will also examine; to the extent practical, effects of possible construction and operation by private industry alone of an expanded commercial facility of this type at this site, or elsewhere. In addition, the DEIS will discuss other similar projects which may bear on the proposed action including the proposed CONOCO project.

### Identification of Environmental and Socioeconomic Issues

The following issues will be analyzed during the preparation of the EIS. This list is not intended to be all inclusive, nor is it intended to be a predetermination of impacts.

- (1) The competition for labor among the proposed project and local activities, and the affects of the resulting labor immigration on the local infrastructure.

(2) The effects of the proposed action on the community of Perry County, Illinois.

(3) An evaluation of the tax assessment procedures and distribution with attention to state and local tax jurisdictions.

(4) The exposure of the public to noise and odors.

(5) The effects of coal and ash storage and plant runoff on surface water and ground water quality and aquatic ecology.

(6) The effects of the proposed facility on air quality including the combined effects with other major or planned emission sources in the area.

(7) The effects of potential accidents and product releases on human health.

(8) The effects of potential accidents and product releases on water supply and ecology.

(9) The effects of construction on present and future land use and terrestrial ecology.

(10) The effects of the project on local water resources including the Mississippi River.

#### Alternatives

The DEIS for the proposed action will examine the environmental effects of the action and compare them to the environmental effects of reasonable alternatives. The action will be considered from the standpoint of demonstration plant construction and operation and, to the extent possible, the future options of commercialization, mothballing, and decommissioning. The EIS will examine the following alternatives to the proposed action: alternative fossil energy development and demonstration programs; alternate fates for this project, including no action and delayed action; alternative plant sites and alternative plant design.

#### Comments

All interested parties are invited to submit comments or suggestions in connection with the preparation of the EIS. Those desiring to submit comments or suggestions for issues to be addressed in the Draft EIS should submit them to the following address: U.S. Department of Energy Office of Project Management Mail Stop F-308, Germantown, Washington, DC 20545, Attn: J. Malcolm, Program Manager.

A meeting on the subject of the environmental issues of the demonstration plant was held on August 15, 1979, in Cutler, Illinois. A transcript of the meeting will be retained by DOE and made available for inspection at the Freedom of Information Library, Room GA-152, Forrestal Bldg., 1000 Independence Ave., NW, Washington,

DC 20585 between the hours of 8:00 AM and 4:30 PM, Monday through Friday.

Upon completion of the Draft EIS, its availability will be announced in the Federal Register and public comments will again be solicited.

Those not desiring to submit comments or suggestions at this time but who would like to receive a copy of the Draft EIS for review and comments when it is issued should also notify the above contact. Those seeking further information may inquire with the above contact or to: Ms. Mary Shaughnessy, NEPA Affairs Division, Office of the Assistant Secretary for Environment, U.S. Department of Energy, Room 4G-064, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585, (202) 252-4610.

Copies of the documents currently planned to be used in the preparation of the Draft EIS are available for public inspection at: Government Documents Room, Perry County Courthouse, Pinckneyville, Illinois 62274, (Mr. W. Bigham, County, Clerk).

In addition, a copy of the bibliography of these documents is available for inspection at the following DOE locations:

Public Reading Room, FOI, Room GA-152, 1000 Independence Ave., SW, Washington, DC 20585.

Chicago Operations Office, 9800 South Cass Avenue, Argonne, Ill. 60639.

Chicago Operations and Regional Office, 175 West Jackson Boulevard, Chicago, Ill. 60604.

Idaho Operations Office, 550 Second Street, Idaho Falls, Idaho 83401.

Nevada Operations Office, 2753 South Highland Drive, Las Vegas, Nev. 89114.

Albuquerque Operations Office, National Atomic Museum, Kirkland Air Force Base East, Albuquerque, N. Mex. 87715.

Oak Ridge Operations Office, Federal Building, Oak Ridge, Tenn. 37830.

Richland Operations Office, Federal Building, Richland, Wash. 99352.

Energy Information Center, 215 Fremont Street, San Francisco, Calif. 94105.

Savannah River Operations Office, Savannah River Plant, Aiken, S.C. 29801.

Regional Energy/Environment Information Center, Denver Public Library, 1357 Broadway Operations Office, Denver, Colo. 80210.

All suggestions, comments and questions submitted to J. Malcolm prior to December 15, 1979, will be carefully considered in the environmental impact statement.

Dated at Washington, D.C., this day of November 14, 1979.

For the United States Department of Energy.

Ruth C. Clusen,

Assistant Secretary for Environment.

[FR Doc. 79-35323 Filed 11-14-79; 8:45 am]

BILLING CODE 6450-01-M

#### Requests for Interpretation Filed With the Office of General Counsel; Months of August and September 1979

Notice is hereby given that during the months of August and September 1979, the requests for interpretation listed in the Appendix to this notice were filed pursuant to 10 CFR Part 205, Subpart F with the Office of General Counsel, Department of Energy (DOE). Notice of subsequently received requests will be published at the end of each calendar month. Copies of the requests for interpretation listed herein are on file in and should be obtained from the DOE's Public Reading Room, Information Access Office, Room GA-152, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-5969.

The statement of issue that follows each request for interpretation listed in the Appendix is not intended to be definitive or final. Rather, the issue statement should be regarded as the initial restatement by the DOE of the question that appears to have been presented for resolution. The issue may, of course, be refined and modified during the interpretive process.

Interested parties may submit written comments on the listed interpretation requests on or before December 17, 1979. Comments should be identified on the outside envelope and on documents submitted with the file number of the interpretation request and all comments should be filed with the Assistant General Counsel for Interpretations and Rulings, Office of General Counsel, Department of Energy, Room 1111, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461. Any comments submitted should be served on the requesting parties as identified in the Appendix below. When appropriate, aggrieved parties, as defined in 10 CFR 205.2, will continue to receive actual notice of pending interpretation requests in accordance with the current practice of the Office of General Counsel.

For further information contact Diane Stubbs, Office of General Counsel, 12th and Pennsylvania Avenue, NW., Room



1111, Washington, D.C. 20461, (202) 633-9070.

Everard A. Marseglia, Jr.,

Assistant General Counsel for Interpretations and Rulings.

November 8, 1979.

Appendix—List of Requests for Interpretation Received by the Office of General Counsel

[Months of August and September 1979]

Date received	Name and location of requestor	File No.
August 1.....	Allied Chemical Corporation, C. Thomas Biddle, Jr., Esq., Baker & Botts, 1701 Pennsylvania Avenue, NW, Washington, D.C. 20006.	A-454
	Issue: May a natural gas processor determine its maximum lawful selling prices for NGL's pursuant to 10 CFR 212.162, 212.164(e) and 212.165 by including as increased processing costs and as qualifying incentive investments the capital investment for and operating cost of various gathering and related facilities of its processing plants even though the gas processor has an ownership interest in the residue gas from such plants?	
August 6.....	Gulf Oil Corporation, Jeffrey G. Shrader, Esq., The Gulf Companies, P.O. Box 3725, Houston, Texas 77001.	A-456
	Issue: Where a contract was entered into prior to January 1, 1976, for the sale of crude oil, and the purchaser took title to a specified quantity of crude oil in the ground when the contract was entered into, does 10 CFR 211.63 establish a supplier/purchaser relationship, and if such a relationship existed, was it terminated in accordance with § 211.63(d)?	
August 8.....	Basin Petroleum, Inc., Thomas J. Bouchoux, Vice President Regulatory Affairs, Basin Petroleum, Inc., 686 East Ocean Boulevard, P.O. Box 2560—Suite 2208, Long Beach, California 90801.	A-458
	Issue: Under 10 CFR 211.106(b)(1), may a refiner exclude from its allocable supply motor gasoline sold to its crude oil suppliers?	
August 13.....	Basin, Inc., L. E. Sawyer, Jr., Esq., Cotton, Bledsoe, Tighe, Morrow & Dawson, First National Bank Building, Suite 2000, Midland, Texas 79701.	A-459
	Issue: Do 10 CFR 211.63(d)(1)(ii) and (iii) grant to an existing purchaser of stripper well crude oil the right of first refusal to meet higher bona fide written offers of a prospective purchaser of that crude oil?	
August 20.....	Williams Exploration Company, J. Kevin Hayes, Esq., Hall, Estill, Hardwick, Gable, Collingsworth & Nelson, 4100 Bank of Oklahoma Tower, One Williams Center, Tulsa, Oklahoma 74172.	A-461
	Issue: Does crude oil produced from wells on a property in 1978, which were not completed for commercial production until 1979, qualify as newly discovered crude oil pursuant to the provisions of 10 CFR 212.79?	
August 20.....	National Association of Texaco Wholesalers, Inc., Fred B. Causey, Esq., National Association of Texaco Wholesalers, Inc., P.O. Box 95265, Atlanta, Georgia 30347.	A-482

Appendix—List of Requests for Interpretation Received by the Office of General Counsel—Continued

[Months of August and September 1979]

Date received	Name and location of requestor	File No.
August 20.....	San Jose Police Officers Association, Russell L. Richeda, Esq., Carroll, Burdick, & McDonough, One Ecker Building, Suite 400, Ecker & Stevenson Streets, San Francisco, California 94105.	A-463
	Issue: Does Section 4(c)(1) of the EPAA prohibit the reduction of a marketer's base period use of motor gasoline to an amount less than the amount sold or otherwise supplied to the marketer during the corresponding months of 1972?	
August 29.....	Parker & Parseley, Inc., Joe M. Parseley, President, Parker & Parseley, Inc., P.O. Box 3178, One Marlenfeld Place—Suite 333, Midland, Texas 79702.	A-464
	Issue: Does the Association qualify as an end-user, bulk purchaser and/or wholesale purchaser-consumer of motor gasoline under 10 CFR 211.51?	
September 4.....	Basin, Inc., Robert G. Szabo, Esq., G. William Frick, Esq., Van Ness, Feldman & Sutcliffe, 1220—18th Street, NW, Washington, D.C. 20036.	A-465
	Issue: Does 10 CFR 210.62 prohibit a joint venture between a crude oil producer and reseller in which crude oil is refined pursuant to a processing agreement and the refined products are marketed by the joint venture?	
August 31, September 5.....	Marshall Oil Corporation, Marshall W. Wark, President, Marshall Oil Corporation, 3233 NW, 63rd, Oklahoma City, Oklahoma 73116.	A-466, A-467
	Issue: Are certain premises described in particular oil and gas leases separate properties under 10 CFR 212.72?	
August 20.....	Air Products and Chemicals, Inc., Raymond H. Schenk, Esq., Air Products and Chemicals, Inc., Box 538, Allentown, Pennsylvania 18105.	A-468
	Issue: Do changes in the burner and airflow systems of a major fuel-burning installation alter its design capability under the Powerplant and Industrial Fuel Use Act Section 103(a)(10)?	
September 4.....	Dow Chemical, U.S.A., Martha Priddy Patterson, Esq., O'Connor & Hannan, 1919 Pennsylvania Avenue, NW, Washington, D.C. 20006.	A-469
	Issue: (1) May a supplier deduct surplus product delivered to a purchaser in prior months from the purchaser's allocation entitlement in the current month under 10 CFR 211.25(c), 211.10(g) and 211.66(g)?	
	(2) Does 10 CFR 211.10(g)(5) supersede a private contract between a supplier and a purchaser regarding the sale of surplus product?	
September 7.....	Charles Hohl & Sons, Inc., Douglas W. Biser, Esq., 614 Bosley Avenue, Towson, Maryland 21204.	A-470

Appendix—List of Requests for Interpretation Received by the Office of General Counsel—Continued

[Months of August and September 1979]

Date received	Name and location of requestor	File No.
September 14.....	The Superior Oil Company, Charles E. Rony, Esq., The Superior Oil Company, P.O. Box 1521, Houston, Texas 77007.	A-471
	Issue: Is the right to receive an allocation transferred when a substantial, but not the entire, interest in the business of a firm is transferred to a successor firm under 10 CFR 211.11?	
September 17.....	W.R. Childress Oil Co., Inc. Donald H. Grissom, Esq., 701 West 15th Street, Austin, Texas 78701.	A-472
	Issue: Where crude oil was recovered from a property in 1978 in the course of testing, was crude oil "produced" from that property for purposes of the "newly discovered crude oil" provisions of 10 CFR 212.79(b)?	
September 17.....	Leeds Exploration, Robert C. Bledsoe, Esq., Cotton, Bledsoe, Tighe, Morrow, & Dawson, Suite 2000, First National Bank Building, Midland, Texas 79701.	A-473
	Issue: Does operation of an automated fueling outlet from which only preselected purchasers may obtain motor gasoline violate the provisions of 10 CFR 210.62(b)?	
September 21.....	Under 10 CFR 210.62, Part 211, and Part 212, may a producer enter into a processing agreement with the refiner that formerly purchased its crude oil, where the producer would market the covered products refined from the crude oil?	
September 17.....	Flick Buck Oil & Gas Investments, Rick Buck, Oil & Gas Investments, 2525 N.W. Expressway, Suite 606, Oklahoma City, Oklahoma 73112.	A-474
	Issue: Where crude oil was recovered from a property in 1978 in the course of testing, was crude oil "produced" from that property for purposes of the "newly discovered crude oil" provisions of 10 CFR 212.79(b)?	
September 24.....	Finders Oil & Gas Company, Lee S. Gill, Esq., Woods, Aston, Mays, Harmon & Watt, 1100 Miami Building, Suite 3300, Houston, Texas 77002.	A-475
	Issue: Where crude oil was recovered from a property in 1978 in the course of testing, was crude oil "produced" from that property for purposes of the "newly discovered crude oil" provisions of 10 CFR 212.79(b)?	
September 24.....	International Carwash Association, R. L. Gus Trantham, CAE, Executive Director, 4415 West Harrison Street, Suite 545, Hillside, Illinois 60162.	A-476
	Issue: Under 10 CFR 211.106(b)(3)(i) a firm that owns two or more retail outlets may reassign up to 30 percent of the "allocation entitlement" from one station to another—what is the volume of this "allocation entitlement," the base period volume or the volume supplied to the station in the current month?	
September 17.....	Crown Central Petroleum Corporation, William J. Rubin, Esq., Cable, McDaniel, Bowie & Bond, The Blaustein Building, Baltimore, Maryland 21201.	A-477
	Issue: Is a supplier obligated by 10 CFR 210.62 to treat the new operator of a service station site as a branded dealer?	

**Appendix—List of Requests for Interpretation Received by the Office of General Counsel—Continued**

[Months of August and September 1979]

Date received	Name and location of requestor	File No.
September 26.	Union Oil Company of California, Maureen A. McGarr, Esq., Union Oil Company of California, 1650 East Golf Road, Schaumburg, Illinois 60196. Issue: May total duties paid for all imported crude oil and products be offset against total import fees incurred on all imported crude and refined petroleum products under 10 CFR 213.35(a)(9)?	A-478
September 24.	BTA Oil Producers, Bob K. Newland, BTA Oil Producers, 104 South Pecos, Midland, Texas 79701. Issue: What is the scope of a crude oil producing property for purposes of determining whether certain crude oil is newly discovered under 10 CFR 212.79?	A-480
September 28.	Public Service Electric and Gas Company, James R. Lacey, General Solicitor, Public Service Electric and Gas Company, 80 Park Place, Newark, New Jersey 07101. Issue: Are auxiliary boilers associated with electric powerplants separate major fuel burning installations subject to the prohibitions in the Powerplant and Industrial Fuel Use Act?	A-481
September 28.	Gulf States Utilities Company, Philip J. Mauso, Esq., Kadison, Pfaltzer, Woodward, Quinn & Rossi, 707 Wilshire Boulevard, Los Angeles, California 90017. Issue: (1) Are powerplants which burned 100 percent natural gas during the 1974 through 1976 base period or other applicable base period subject to the prohibitions in Section 301 of the Powerplant and Industrial Fuel Use Act? (2) Did powerplants which used oil during the base period because natural gas curtailments made such use necessary to avoid interruptions in service use such oil as a "primary source" as that term is defined under Section 103(a)(15)?	A-482
September 29.	Ernest J. Panasci, Esq., Rothgerber, Appel & Powers, 1600 Broadway, Denver, Colorado, 80202. Issue: Does a firm that contracts with a producer to purchase crude oil reserves in the ground qualify as a producer for purposes of the tertiary incentive regulations in 10 CFR Part 212?	A-483

[FR Doc. 79-35390 Filed 11-15-79 8:45 a.m.]

BILLING CODE 6450-01-M

**Resource Applications, National Petroleum Council; Meeting**

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: National Petroleum Council.  
Date, Time, and Place: December 12, 1979, 9:00 a.m., Department of Energy, James Forrestal Building Auditorium, 1000 Independence Avenue SW., Washington, D.C.

Contact: Georgia Hildreth, Director, Advisory Committee Management, Department of Energy, Room 8G087, 1000 Independence Avenue SW., Washington, D.C. 20585, Telephone: 202-252-5187.

Purpose of Committee: The Committee was established to provide advice, information and recommendations to the Secretary of Energy on matters relating to oil and gas or the oil and gas industries.

**Tentative Agenda:**

- Open remarks.
- Reports on the National Petroleum Council.
- Subcommittee on Materials and Manpower Requirements.
- Subcommittee on Refinery Flexibility (Interim Report).
- Subcommittee on Unconventional Gas Sources (Progress Report).
- Subcommittee on U.S. Petroleum Inventories, and Storage and Transportation Capacities.
- Consideration of any administrative matters.
- Discussion of any other business properly brought before the National Petroleum Council.
- Public Comment (10 minute rule).

Public Participation: The meeting is open to the public. The Chairperson of the Council is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Council will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact the Advisory Committee Management Office at the address or telephone number listed above. Requests must be received at least 5 days prior to the meeting and reasonable provision will be made to include their presentation on the agenda.

Transcripts: Available for public review and copying at the Freedom of Information Public Reading Room, Room GA-152 Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Executive Summary: Available approximately 30 days following the meeting from the Advisory Committee Management Office.

Issued at Washington, D.C., on November 7, 1979.

Georgia Hildreth,  
Director, Advisory Committee Management.

[FR Doc. 79-35375 Filed 11-15-79; 8:45 am]

BILLING CODE 6450-01-M

**Bonneville Power Administration**

**Southwest Oregon Area Service, Buckley-Summer Lake 500-kV Line Draft Facility Location Supplement to Final Environmental Statement; Public Meetings**

The Bonneville Power Administration (BPA) hereby gives notice of public meetings to be held to discuss and

solicit comments on the Southwest Oregon Area Service, Buckley-Summer Lake 500-kV Line, Draft Facility Location Supplement. This environmental statement supplements BPA's Final Fiscal Year 1979 Proposed Program EIS (DOE/EIS-0005) and was prepared pursuant to DOE's implementation of the National Environmental Policy Act of 1969. This supplemental statement assesses the anticipated impacts associated with the construction of 156 miles (250 km) of 500-kV transmission line and two new substations. Buckley Substation would be about 10 miles east of Maupin, and Summer Lake Substation would be about 10 miles south of the intersection of the AC Intertie lines and Oregon State Highway 31. Alternatives to the proposal, including nonconstruction, are also discussed.

Public information meetings to be held as follows:

Tuesday, December 11, 1979, City Hall, Maupin, Oregon, 7:00 p.m.

Thursday, December 13, 1979, City Hall, Prineville, Oregon, 7:00 p.m.

All interested parties are urged to attend. All comments are welcome in order to fully assist the agency in evaluating the environmental factors pertinent to this proposal. Comments will be considered in the preparation of the Southwest Oregon Area Service, Buckley-Summer Lake 500-kV Line Final Facility Location Supplement.

For those who cannot attend the meetings, written comments will be accepted until the close of comment date, December 31, 1979. Copies of the draft environmental statement, as well as additional or clarifying information, may be obtained by writing or calling the Environmental Manager's Office, Bonneville Power Administration, P.O. Box 3621-SJ, Portland, Oregon 97208, 503-234-3361, extension 5137.

Dated at Portland, Oregon, this 8th day of November 1979.

Sterling Munro,  
Administrator.

[FR Doc. 79-35373 Filed 11-15-79; 8:45 am]

BILLING CODE 6450-01-M

**Economic Regulatory Administration**

**Action Taken on Consent Orders**

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Action Taken on Consent Orders.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice that Consent Orders were entered into

between the Office of Enforcement, ERA, and the firms listed below during the month of September 1979. The Consent Orders represent Resolutions of outstanding compliance investigations or proceedings by the DOE and the firms which involve a sum of less than \$500,000 in the aggregate, excluding penalties and interest. For Consent Orders involving sums of \$500,000 or more, Notice will be separately published in the Federal Register. These Consent Orders are concerned

exclusively with payment of the refunded amounts to injured parties for alleged overcharges made by the specified companies during the time periods indicated below through direct refunds or rollbacks of prices.

For further information regarding these Consent Orders, please contact. Mr. Herbert M. Heitzer, District Manager of Enforcement, 1421 Cherry Street, Philadelphia, Pennsylvania 19102, telephone number (215) 597-3870.

Department of Energy, Room 4110E, 2000 M St., N.W., Washington, D.C. 20461 (202) 254-8247.

Lise Courtney M. Howe, Office of General Counsel, Department of Energy, room 5116, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461 (202) 633-9380.

Susan Walker, Office of Environment, Department of Energy, Room 4G057, Forrestal Building, Washington, D.C. 20461, (202) 252-4610.

#### SUPPLEMENTARY INFORMATION:

##### I. Background.

##### II. Reasons for Location of Proposed Action

##### III. Alternatives Considered

##### IV. Conformance to Applicable State or Local Floodplain Protection Standards

##### V. Steps to be Taken to Minimize Potential Harm to or Within Floodplain.

##### I. Background

This notice of findings and determination regarding the location of a proposed action within the 100-year floodplains is issued pursuant to the requirements of the Executive Order 11988—Floodplain Management.

Basin Electric Power Cooperative (BASIN) applied to the Department of Energy (DOE) for a Presidential Permit, pursuant to Executive Order 10485, as amended by Executive Order 12038, for authority to construct, connect, operate and maintain an electrical interconnection facility at the U.S.-Canadian border. BASIN proposes to construct 135 miles of 230 kV transmission line from BASIN's Logan Substation to a point on the U.S.-Canadian border approximately 45 miles due north of Tioga, North Dakota.

A final environmental impact statement (FEIS) has been prepared on this project by the Rural Electrification Administration (REA) with input from DOE. The FEIS was adopted by DOE and issued by REA. Notice of availability was published on September 25, 1979 (44 FR 55221).

##### II. Reasons for Location of Proposed Action in Floodplains

One segment of the proposed transmission line runs west from the Logan Substation to the Tioga Substation. The proposed and alternative corridors for this segment cross the White Earth River where the river runs north-south. In this area the White Earth River has a noticeable valley which is mostly within the 100-year floodplains. The width of the valley between the 100-year floodplain levels is too wide to be crossed by a single span of transmission line. A corridor routed to the north, where the floodplains could be spanned, would add approximately 100 miles to the 135 mile length of the

Firm name and address	Refund amount	Product	Period covered	Recipients of refund
Crescent Service Station.....	\$37,500	Motor Gasoline.....	11/1/73 to 12/31/78.....	General Rollback

Issued in Philadelphia on the 2nd day of November 1979.

Herbert M. Heitzer,  
District Manager of Enforcement.

[FR Doc. 79-35381 Filed 11-15-79; 8:45 am]

BILLING CODE 6450-01-M

#### Anderson Service Center; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Harry Anderson d.b.a. Anerson Service Ctr., Georgetown, Pa. This Proposed Remedial Order charges Anderson Service Ctr. with pricing violations in the amount of \$2,400, connected with the retail sale of gasoline during the time period August 1, 1979 through September 28, 1979.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Edward F. Momorella, Program Manager for Product Retailers, Department of Energy, Northeast Enforcement District, 1421 Cherry Street, 10th Floor, Philadelphia, Pa. 19102. On or before December 3, 1979, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 "M" Street, N.W., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Philadelphia, Pennsylvania, on the 2nd day of November 1979.

Herbert M. Heitzer,  
District Manager, Office of Enforcement,  
Northeast District.

[FR Doc. 79-35387 Filed 11-15-79; 8:45 am]

BILLING CODE 6450-01-M

#### Basin Electric Power Cooperative; Findings and Determination on Location of Proposed Action in a Floodplain

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of Findings and Determination Regarding Location of Proposed Action in a Floodplain

SUMMARY: The Department of Energy (DOE) proposes to issue to Basin Electric Power Cooperative (BASIN) a Presidential Permit for the construction of an electrical facility at the U.S.-Canadian International Boundary. A final environmental impact statement (FEIS) on this project has been prepared by the RURAL Electrification Administration and adopted by DOE. Notice of availability was published on September 25, 1979 (44 FR 55221).

The proposed and alternate corridors for the proposed 230 kV—135 mile transmission line cross the 100-year floodplain of the White Earth River and require placing two transmission line supporting structures therein. The overall length of the proposed transmission line would have to be increased by approximately 100 miles if a corridor were selected which would circumvent the White Earth River Floodplain. The Secretary of Energy does not consider this to be a practicable alternative, and has found that no practicable alternative exists to this course of action. Notice is hereby given of such findings and determination.

FOR FURTHER INFORMATION CONTACT: James M. Brown, Jr., System Reliability and Emergency Response Branch,

proposed line. Assuming a cost of \$100,000 per mile for 230 kV wood pole transmission line, this would add approximately \$10 million to the cost of the project. The new corridor would also impact 100 miles of additional land that is comprised of mostly range and wetlands.

Based upon the Floodplains Assessment set forth in the FEIS the Secretary of Energy has determined that there is no practicable alternative to the construction of two transmission line support structures within the 100-year floodplain of the White Earth River.

### III. Alternatives Considered

The environmental impact statement for this project included an analysis of alternatives to construction of the line. The alternatives were: (1) No action; (2) construction of additional generating capacity within the area such as base load oil, coal and nuclear; (3) peaking units; (4) other technologies such as wind, solar, geothermal, and hydro-electric power; (5) alternative voltages; (6) power purchased from a U.S. source; (7) the effect of conservation and rate schedule strategies on electrical demand; and (8) alternative routes for the line.

The staff concluded that a transmission intertie with Canada appeared to be the best alternative from an environmental viewpoint and that the particular route selected appeared to be the best alternative for the intertie.

### IV. Conformance to Applicable State and Local Floodplain Protection Standards

Under North Dakota law (North Dakota Energy Conversion and Transmission Facility Siting Act), a proposed transmission line must undergo a two stage siting process. The first stage reviews alternative corridors and the second stage reviews a route within an approved corridor. The North Dakota Public Service Commission approved the "preferred" corridor submitted by BASIN on August 14, 1978, and approved the route selected on June 8, 1979. The route application contained information on the environmental changes expected due to the construction, operation and maintenance of the proposed facility. BASIN has received all required State permits.

No other state or local standards apply.

### V. Steps Taken to Minimize Potential Harm to or Within the Floodplain

Two transmission line construction activities may have potential impacts to the floodplain: the location of the

facilities in the floodplain and clearing of vegetation in the floodplain. Once installed, the structures will be flood-proofed to prevent any damage during a flood, and will have minimal effects on the floodplains.

BASIN and its contractors will comply with the following precautions and restrictions in order to minimize the environmental effect of the proposed line on the floodplains.

a. Where practicable, trucks or other mechanical equipment will not cross drainages. Where crossing is necessary, the contractor will cross in such a manner as to minimize damage to stream banks.

b. Clearing and trimming within 50 feet of any drainage will be performed by hand. The use of heavy equipment will not be permitted.

c. Oil and fuel storage will not be permitted within 200 feet of a stream or pothole.

d. Oil and fuel will not be used in any manner or disposed of in any manner that would permit it to drain into a stream or river or enter into the groundwater.

e. Structures will be located to avoid the banks of any body of water when practicable. Any necessary permits will be obtained for structures to be located in bodies of water.

f. Clearing of vegetation on the banks of streams and rivers will be kept to a minimum.

Issued in Washington, D.C., November 9, 1979.

Howard F. Perry,  
*Acting Assistant Administrator for Utility Systems, Economic Regulatory Administration.*

[FR Doc. 79-35372 Filed 11-15-79; 8:45 am]  
BILLING CODE 6450-01-M

### B & L Texaco Service; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to B & L Texaco Service, 805 South Manheim Road, Westchester, Illinois 60153. This Proposed Remedial Order charges B & L Texaco Service with pricing violations in the amount of \$1286.32, in sales of the motor gasoline during the time period August 1, 1979, through October 4, 1979, in the State of Illinois.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from William D. Miller, District Manager of Enforcement, 324 East 11th Street, Kansas City, Missouri 64106. On or

before December 3, 1979, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Kansas City, Missouri, on the 8th day of November 1979.

William D. Miller,  
*District Manager, Central Enforcement District.*

[FR Doc. 79-35382 Filed 11-15-79; 8:45 am]  
BILLING CODE 6450-01-M

### Cipoletti's Exxon; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Charles C. Cipoletti d.b.a. Cipoletti's Exxon, Wellsburg, W. Va. This Proposed Remedial Order charges Cipoletti's Exxon with pricing violations in the amount of \$3992, connected with the retail sale of gasoline during the time period August 1, 1979 through September 27, 1979.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Edward F. Momorella, Program Manager for Product Retailers, Department of Energy, Northeast Enforcement District, 1421 Cherry Street, 10th Floor, Philadelphia, Pa. 19102. On or before December 3, 1979, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 "M" Street, NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Philadelphia, Pennsylvania, on the 2nd day of November 1979.

Herbert M. Heitzer,  
*District Manager, Office of Enforcement, Northeast District.*

[FR Doc. 79-35388 Filed 11-15-79; 8:45 am]  
BILLING CODE 6450-01-M

### De Luc Service Station; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Mr. Domingo d.b.a. De Luc Service Station, Bronx, N.Y. This Proposed Remedial Order charges De Luc Service Sta. with pricing violations in the amount of \$402, connected with the retail sale of gasoline during the time period August 1, 1979 through September 28, 1979.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Edward F. Momorella, Program Manager for Product Retailers, Department of Energy, Northeast Enforcement District, 1421 Cherry Street, 10th Floor, Philadelphia, Pa. 19102. On or before December 3, 1979, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 "M" Street, N.W., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Philadelphia, Pennsylvania, on the 2nd day of November 1979.

Herbert M. Heitzer,  
*District Manager, Office of Enforcement,  
Northeast District.*

[FR Doc. 79-35389 Filed 11-15-79; 8:45 am]

BILLING CODE 6450-01-M

### Edward Pace; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Edward Pace, 549 Broadway, Buffalo, N.Y. This Proposed Remedial Order charges Edward Pace with pricing violations in the amount of \$868, connected with the retail sale of gasoline during the time period August 1, 1979 through September 28, 1979.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Edward F. Momorella, Program Manager for Product Retailers, Department of Energy, Northeast Enforcement District, 1421 Cherry Street, 10th Floor, Philadelphia, Pa. 19102. On or before December 3, 1979, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 "M" Street, N.W., Washington, D.C. 20461, in accordance with 10 CFR Section 205.193.

Issued in Philadelphia, Pennsylvania, on the 2nd day of November, 1979.

Herbert M. Heitzer,  
*District Manager, Office of Enforcement,  
Northeast District.*

[FR Doc. 79-35384 Filed 11-15-79; 8:45 am]

BILLING CODE 6450-01-M

### Edwards Producing Co.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice of a Proposed Remedial Order (PRO) which was issued to Edwards Producing Company, Inc., 1755 Lelia Drive, Suite 301, Jackson,

Mississippi, 39216, on November 1, 1979. An earlier PRO issued to Edwards on September 6, 1979, was rescinded on September 26, 1979, due to an omission of appropriate language with respect to distribution of refunded overcharges. The November 1, 1979, PRO charges Edwards Producing Company, Inc. with pricing violations in the amount of \$125,567.47 connected with the sale of crude oil during the period September 1, 1973, through December 31, 1977, in the State of Mississippi.

A copy of the November 1, 1979 PRO, with confidential information deleted, may be obtained from James C. Easterday, District Manager of Enforcement, 1655 Peachtree Street, NE., Atlanta, Georgia 30309, Phone: (404) 881-2661. On or before December 3, 1979, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Atlanta, Georgia, on the 5th day of November 1979.

James C. Easterday,  
*District Manager of Enforcement, Southeast District.*

[FR Doc. 79-35379 Filed 11-15-79; 8:45 am]

BILLING CODE 6450-01-M

### Gasoline Marketing Advisory Committee; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following advisory committee meeting:

Title: Gasoline Marketing Advisory Committee.

Date and Time: December 5, 1979—8:00 a.m. to 5:00 p.m.

Place: Peachtree Plaza Hotel, Peachtree at International, Spanish Room, Atlanta, Georgia.

Contact: Georgia Hildreth, Director, Advisory Committee Management, Department of Energy—Room 8G087, 1000 Independence Avenue, SW., Washington, D.C. 20535, Telephone: 202-252-5187.

Public Participation: The meeting is open to the public. The Chairperson of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact the Advisory Committee Management Office at the address or telephone number listed above. Requests must be received at least 5 days prior to the meeting and reasonable provision will be made to include their presentation on the agenda.

Transcripts: Available for public review and copying at the Freedom of Information Public Reading Room, Room GA-152, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Executive Summary: Available approximately 30 days following the meeting from the Advisory Committee Management Office.

Purpose of Committee: To provide the Department of Energy with expert and technical advice concerning the wholesale and retail selling of gasoline.

### Tentative Agenda

- Old Business
- Title III (Petroleum Marketing Practices Act)
- Gasoline Supply and Allocation
- State Set-Aside Programs
- Downward Certification
- Retail and Reseller Margin Situations
- New Business
- Public Comment (10 minute rule)

Issued at Washington, D.C., on November 9, 1979.

Georgia Hildreth,

*Director, Advisory Committee Management.*

[FR Doc. 79-35376 Filed 11-15-79; 8:45 am]

BILLING CODE 6450-01-M

### Haine's Gulf; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Gerald Haine's d.b.a. Haine's Gulf, Innwood, W.Va. This Proposed Remedial Order charges Haine's Gulf with pricing violations in the amount of \$29,146, connected with the retail sale of gasoline during the time period August 1, 1979 through September 28, 1979.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Edward F. Momorella, Program Manager for Product Retailers, Department of Energy, Northeast Enforcement District, 1421 Cherry Street, 10th Floor, Philadelphia, Pa. 19102. On or before December 3, 1979, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 "M" Street, NW., Washington, D.C. 20461, in accordance with 10 CFR § 205.193.

Issued in Philadelphia, Pennsylvania, on the 2nd day of November, 1979.

Herbert M. Heitzer,

*District Manager, Office of Enforcement,  
Northeast District.*

[FR Doc. 79-35386 Filed 11-15-79; 8:45 am]

BILLING CODE 6450-01-M

## Hanover Management Co.; Action Taken on Consent Order

**AGENCY:** Economic Regulatory Administration, Department of Energy.

**ACTION:** Notice of Action taken and opportunity for comment on Consent Order.

**SUMMARY:** The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

**DATES:** Effective date: November 2, 1979.

**COMMENTS BY:** December 3, 1979.

**ADDRESS:** Send comments to: Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235.

**FOR FURTHER INFORMATION CONTACT:** Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, Phone 214/767-7745.

**SUPPLEMENTARY INFORMATION:** On November 2, 1979, the Office of Enforcement of the ERA executed a Consent Order with Hanover Management Company of Dallas, Texas. Under 10 CFR 205.199(j)(b), a Consent Order which involves a sum of less than \$500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

Because the DOE and Hanover Management Company wish to expeditiously resolve this matter as agreed and to avoid delay in the payment of refunds, the DOE has determined that it is in the public interest to make the Consent Order with Hanover Management Company effective as of the date of its execution by the DOE and Hanover Management Company.

### I. Consent Order

Hanover Management Company with its home office in Dallas, Texas is a firm engaged in the production and sale of crude oil and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Part 210, 211, 212. The Office of Enforcement of the Economic Regulatory Administration (ERA) and Hanover Management Company entered into a Consent Order to resolve certain civil actions which could be brought by ERA as a result of its audit of the crude oil

sales by Hanover Management Company. This Consent Order settles those matters relative to Hanover Management Company's production and sale of crude during the period September 1, 1973 through December 31, 1977.

The significant terms of the Consent Order with Hanover Management Company are as follows:

1. Hanover Management Company allegedly misapplied the provisions of 10 CFR 212.73 and its predecessor, 6 CFR § 150.353 when determining the prices to be charged for certain domestic crude oil.

2. Hanover Management Company understands and agrees to refund \$175,000.00 to the DOE by certified check. This amount is in full settlement of any and all civil liability within the jurisdiction of the DOE in regard to actions that might be brought by the DOE arising out of the specified transactions for the following properties:

Burke	Mainard
Cain	Mobil
Rex Clark	Mobil A
Cross	Mobil B
Fruin	Schaefer
Fruin A	Sentell Unit
Knoxville Unit	Whittenburg L.
Willmot	

3. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

### II. Disposition of Refunded Overcharges

Refunded overcharges as described in 2. above will be made in six equal installments of \$29,166.66 each. The first payment is due 90 days after the effective date of the Consent Order and each 90 days thereafter until the total refund has been completed. Delivery of such payments shall be to the Assistant Administrator for Enforcement, Economic Regulatory Administration, in the form of a certified check made payable to the United States Department of Energy.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "person" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the

overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected person, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

### III. Submission of Written Comments

**Potential Claimants:** Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established.

Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

**Other Comments:** The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments or written notification of a claim to Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235. You may obtain a free copy of this Consent Order by writing to the same address or by calling 214/767-7745.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on the Hanover Management Company Consent Order." We will consider all comments we receive by 4:30 p.m., local time, on or before December 3, 1979. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Texas on the 2nd day of November 1979.

Herbert F. Buchanan,  
Deputy District Director Enforcement,  
Southwest District Office, Economic  
Regulatory Administration.

[FR Doc. 79-35378 Filed 11-15-79; 8:45 am]  
BILLING CODE 6450-01-M



**Petroleum Heat & Power Co., Inc.;  
Action Taken on Consent Order**

**AGENCY:** Economic Regulatory Administration, Department of Energy.  
**ACTION:** Notice of final action taken on consent order.

**SUMMARY:** The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) as the successor to the Federal Energy Administration (FEA) announces final action of a Consent Order.

**EFFECTIVE DATE:** November 16, 1979.

**FOR FURTHER INFORMATION CONTACT:**

James J. Dowd, Audit Director, Enforcement, Department of Energy, Northeast District, (Economic Regulatory Administration), Room 700, 150 Causeway Street, Boston, MA 02114, 617-223-3728.

**SUPPLEMENTARY INFORMATION:** On July 31, 1979, the DOE executed a proposed Consent Order with Petroleum Heat & Power Co., Inc. (Petro) of Stamford, CT. Under 10 CFR 205.199(c) a proposed Consent Order becomes effective only after the ERA has published notice of its execution and solicits and considers public comments with respect to its terms. Therefore, the ERA published a Notice of Proposed Consent Order and invited interested persons to comment on the proposed Order.

At the conclusion of the thirty-day comment period, the ERA had received no public comments.

Accordingly, the ERA had concluded that the Consent Order as executed between the DOE and Petro is an appropriate resolution of the compliance proceedings which it described, and it shall become effective as proposed, without modification, November 16, 1979.

Issued in Philadelphia, PA on November 2, 1979.

Herbert M. Heitzer,  
*District Manager of Enforcement, Northeast District.*

[FR Doc. 79-35380 Filed 11-15-79; 8:45 am]

BILLING CODE 6450-01-M

**Pricewagon Auto Services, Inc.;  
Proposed Remedial Order**

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Sam Price d.b.a. Pricewagon Auto Services, Inc., Aliquippa, Pa. This Proposed Remedial Order charges Sam Price with pricing violations in the amount of \$1,740, connected with the retail sale of gasoline during the time

period August 1, 1979 through September 28, 1979.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Edward F. Momorella, Program Manager for Product Retailers, Department of Energy, Northeast Enforcement District, 1421 Cherry Street, 10th Floor, Philadelphia, Pa. 19102. On or before December 3, 1979, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 "M" Street, NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Philadelphia, Pennsylvania, on the 2nd day of November 1979.

Herbert M. Heitzer,  
*District Manager, Office of Enforcement, Northeast District.*

[FR Doc. 79-35386 Filed 11-15-79; 8:45 am]

BILLING CODE 6450-01-M

**Warwick Oil Corp.; Proposed Remedial Order**

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Warwick Oil Corporation, P.O. Box 52745 OCS, 1101 Pinhook Road, Lafayette, Louisiana 70505. This Proposed Remedial Order charges Warwick Oil Corporation (Warwick) with pricing violations in the amount of \$89,250.85, relative to Warwick's sale of certain crude oil at free market prices which the firm characterized as "stripper well" crude oil in excess of those permitted by 10 CFR Part 212, Subpart D during the period January 1, 1976 through November 30, 1977, in the State of Louisiana.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Wayne L. Tucker, District Manager, Southwest District Enforcement, Department of Energy, Economic Regulatory Administration, P.O. Box 35228, Dallas, Texas 75235, or by Calling (214) 767-7745. On or before December 3, 1979, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Dallas, Texas, on the 6th day of November 1979.

Herbert F. Buchanan,  
*Deputy District Manager, Southwest District Enforcement.*

[FR Doc. 79-35677 Filed 11-15-79; 8:45 am]

BILLING CODE 6450-01-M

**William Pinkoske; Proposed Remedial Order**

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to William Pinkoske D/B/A 3735 S. Park Street, Blasdel, N.Y. This Proposed Remedial Order charges William Pinkoske with pricing violations in the amount of \$833, connected with the retail sale of gasoline during the time period August 1, 1979 through September 28, 1979.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Edward F. Momorella, Program Manager for Product Retailers, Department of Energy, Northeast Enforcement District, 1421 Cherry Street, 10th Floor, Philadelphia, Pa. 19102. On or before December 3, 1979, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 "M" Street NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Philadelphia, Pennsylvania, on the 2nd day of November 1979.

Herbert M. Heitzer,  
*District Manager, Office of Enforcement, Northeast District.*

[FR Doc. 79-35383 Filed 11-15-79; 8:45 am]

BILLING CODE 6450-01-M

**Action Taken on Consent Orders**

**AGENCY:** Economic Regulatory Administration.

**ACTION:** Notice of Action Taken on Consent Orders.

**SUMMARY:** The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice that Consent Orders were entered into between the Office of Enforcement, ERA, and the firms listed below during the month of October, 1979. These Consent Orders concern prices charged by retail motor gasoline dealers allegedly in excess of the maximum lawful selling price for motor gasoline. The purpose and effect of these Consent Orders is to bring the consenting firms into present compliance with the Mandatory Petroleum Price Regulations and the General Allocation and Price Regulations, and they do not address or limit any liability with respect to the consenting firms' prior compliance or possible violation of the aforementioned regulations. Pursuant to the Consent Orders, the consenting firms agree to the following actions.



1. Reduce prices for each grade of gasoline to no more than the maximum lawful selling price;

2. Post the maximum lawful selling price, or a certification that the current selling price is equal to or less than the maximum allowed, for each grade of gasoline on the face of each pump in numbers and letters not less than one-half inch in height, or in a prominent place elsewhere at the retail outlet in numbers or letters not less than one and one-half inches high;

3. Properly maintain records required under the aforementioned regulations; and

4. Cease and desist from employing any discriminatory and/or unlawful business practices prohibited by the aforementioned regulations.

For further information regarding these Consent Orders, please contact Bob Jones, Program Manager, Department of Energy, Economic Regulatory Administration, Rocky Mountain District, 1075 South Yukon Street, Lakewood, CO 80226, telephone number 303-234-3195.

*Firm name, address, and audit date*

Leo's Chevron, 105 E. Cedar, Rawlins, WY 82301; October 2, 1979.

Anderson's Sinclair, 303 N. 1st, Saratoga, WY 82311; October 3, 1979.

Madsen's Conoco, 500 Edison, Brush, CO 80723; October 5, 1979.

Walden Conoco, 609 Main, Walden, CO 80480; October 2, 1979.

Larry's Gas & Oil, 507 Main, Walden, CO 80480; October 2, 1979.

Mountain View Garage, 1242 Colorado Highway 74, Evergreen, CO 80439; October 2, 1979.

Alameda & Downing, 1121 E. Alameda Avenue, Denver, CO; October 4, 1979.

Arapahoe Exxon, 9138 E. Arapahoe, Englewood, CO; September 28, 1979.

Harrison Road Texaco, I-25 and Harrison Road, Colorado Springs, CO; October 3, 1979.

Courthouse Chevron, 304 S. Nevada, Colorado Springs, CO; October 2, 1979.

Ron-Robin Texaco, 2316 Mt. Rushmore Road, Rapid City, SD 57701; October 1, 1979.

Needles County Store, Silverton Star Route, Box 180, Durango, CO; October 11, 1979.

Bud's "66," 1st and Grand, Delta, CO 81418; October 12, 1979.

G. B. Caster, Jr., Vail Exxon, 2154 S. Frontage Road, Vail, CO; October 9, 1979.

Robert A. Sewart, Village 66, 27885 Meadow Drive, Evergreen, CO; October 8, 1979.

Rick's Mobil, Box 317, Watford City, ND 58854; October 17, 1979.

Smith Bros. 66, Glenwood Springs, CO 81601; October 16, 1979.

Mountain Valley Market, P.O. Box 1059, Evergreen, CO 80439; October 15, 1979.

Econa-Car International, Inc., 6960 Smith Road, Denver, CO; October 15, 1979.

Henry's 66, 1304 Grand, Glenwood Springs, CO 81601; October 18, 1979.

Hilltop Standard, 10th East & 1st North, St. George, UT; October 15, 1979.

Eastside Exxon, 815 E. St. George Blvd., St. George, UT; October 15, 1979.

West Conoco, 311 W. St. George Blvd., St. George, UT; October 15, 1979.

Ruckman's Monarch, Canyon Service, Box 872, Monarch, MT 59463; October 16, 1979.

B & E Service, Box 645 Townsend, MT 59844; October 15, 1979.

Yacht Basin Marina, 7035 Canyon Ferry Road, Helena, MT 59601; October 16, 1979.

Kims Marina & Resort, 8015 Canyon Ferry Road, Helena, MT 59601; October 17, 1979.

Howard's Husky & General Store, Box 325, Glendo, WY 82212; October 18, 1979.

Kal's Exxon, R. R. No. 1, Tioga, ND 58802; October 16, 1979.

Happy John's Exxon, Box 915, Williston, ND 58801; October 16, 1979.

Mr. G's Gas & Goodies, 320 E 300 S. Kanab, UT 84741; October 12, 1979.

Nick's Amoco, 41 East Center, Kanab, UT 84741; October 12, 1979.

Parker's Exxon, 110 South 100 East, Kanab, UT 84741; October 12, 1979.

Goodan's Conoco, 104 East Main, Lewistown, MT 95457; October 11, 1979.

Farmers Union Grain Terminal Assn., Box 176, Stanford, MT 59479; October 12, 1979.

North Hill Texaco, 2005 N. Broadway, Minot, ND; October 12, 1979.

Issued in Lakewood, Colorado on this 7th day of November, 1979.

Kenneth E. Merica,

*District Manager, Rocky Mountain Enforcement District.*

[FR Doc. 79-35480 Filed 11-15-79; 8:45 am]

BILLING CODE 6450-01-M

### **Adams Resources & Energy Inc.; Corrections to Action Taken on Consent Order**

**AGENCY:** Economic Regulatory Administration, Department of Energy.

**ACTION:** Corrections to Notice of Action Taken and Opportunity for Comment on Consent Order.

**SUMMARY:** This corrects the document that appeared in the Federal Register on November 2, 1979 beginning on page 44 FR 63136. The following corrections should be made:

Paragraphs 2 through 5 read as follows:

"2. Adams Resources & Energy Inc. improperly applied the provisions of 6 CFR Part 150, Subpart L and 10 CFR Part 212, Subpart D, when determining the prices to be charged for crude oil, and as a consequence, charged prices in excess of the maximum lawful sales price resulting in overcharges to its customers.

"3. In order to expedite resolution of the disputes involved, the DOE and Adams Resources & Energy, Inc. have agreed to a settlement in the amount of \$80,000.00. The refund will be made in three quarterly payments beginning September 30, 1970 and ending March

31, 1980. A detailed schedule of the refund payments is contained in the Consent Order.

"4. The sales of crude oil determined to be in violation were made to several refiners and because the ultimate consumers are not readily identifiable, the refund will be made through the DOE in accordance with 10 CFR Part 205, Subpart V as provided below.

"5. The provisions of 10 CFR 205.199] including the publication of this Notice, are applicable to the Consent Order."

The revisions are contained in paragraphs 2 through 6 and should read as follows:

"2. The ERA has alleged violations by Adams of the ceiling price for crude oil set forth in 6 CFR Part 150, Subpart L and 10 CFR Part 212, Subpart D.

"3. The Consent Order constitutes neither an admission by Adams that DOE regulations have been violated nor a finding by DOE that Adams has violated DOE regulations.

"4. In order to expedite resolution of the disputes involved, the DOE and Adams Resources & Energy, Inc. have agreed to a settlement in the amount of \$80,000.00. The refund will be made in three quarterly payments beginning November 1, 1979 and ending March 31, 1980. A detailed schedule of the refund payments is contained in the Consent Order.

"5. The sales of crude oil alleged to be in violation were made to several refiners and because the ultimate consumers are not readily identifiable, the refund will be made through the DOE in accordance with 10 CFR Part 205, Subpart V as provided below.

"6. The provisions of 10 CFR 205.199] including the publication of this Notice, are applicable to the Consent Order."

Issued in Dallas, Texas on the 9th day of November 1979.

Herbert F. Buchanan,

*Deputy Director, Southwest District, Enforcement Division, Economic Regulatory Administration.*

[FR Doc. 79-35477 Filed 11-15-79; 8:45 am]

BILLING CODE 6450-01-M

### **Tipperary Oil & Gas Corp.; Corrections to Action Taken on Consent Order**

**AGENCY:** Economic Regulatory Administration, Department of Energy.

**ACTION:** Corrections to Notice of Action Taken and Opportunity for Comment on Consent Order.

**SUMMARY:** This corrects the document that appeared in the Federal Register on October 19, 1979 on page 44 FR 60369.

The following corrections should be made:

The first sentence in Section II read as follows:

In this Consent Order, Tipperary agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1. above, the total sum of \$213,533.00 twenty-four (24) months from the date of the execution of the Consent Order.

The sentence should be corrected to read as follows:

In this Consent order, Tipperary agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1. above, the total sum of \$213,533 to be paid over a twenty-four (24) month period from the date of the execution of the Consent Order.

Issued in Dallas, Texas on the 9th day of November 1979.

Herbert F. Buchanan,  
Deputy Director, Southwest District  
Enforcement, Economic Regulatory  
Administration.

[FR Doc. 79-35479 Filed 11-15-79; 8:45 am]  
BILLING CODE 6450-01-M

## Federal Energy Regulatory Commission

[Project No. 2972]

### City of Woonsocket, R.I.; Application for Preliminary Permit

November 9, 1979.

Take notice that the City of Woonsocket, Rhode Island, filed September 19, 1979, an application for preliminary permit (pursuant to the Federal Power Act 16 U.S.C. Section 791(a)-825(r)) for a proposed water power project to be known as the Woonsocket Falls Hydroelectric Project, FERC No. 2972, located on the Blackstone River in Providence County, Rhode Island. The proposed project would utilize Federal lands and a Federal dam under the jurisdiction of the U.S. Army Corps of Engineers. Correspondence with the applicant should be directed to: Marcel A. Valois, Director, Department of Planning and Development, 169 Main Street, Woonsocket, Rhode Island 02895.

**Purpose of Project**—Project energy would be supplied to a water pumping station and a regional sewage treatment plant, both owned by the City.

**Proposed Scope and Cost of Studies Under Permit**—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would arrange for the purchase of

project turbines and generators, perform site evaluations and test borings, develop preliminary designs, negotiate an agreement for the transmission of project energy, acquire the necessary state and local permits, and prepare an application for FERC license, including an environmental report. Applicant estimates the cost of studies under the permit would be \$100,000.

**Project Description**—The proposed project would utilize the U.S. Army Corps of Engineers' existing Woonsocket Falls Dam, a facility of the Upper Woonsocket Flood Control project. The project would consist of: (1) An intake structure to be constructed on the east Bank of the river on municipal-owned land, approximately 100 feet upstream of the dam; (2) two 8-foot-diameter concrete penstocks; (3) a powerhouse to be located approximately 300 feet downstream from the dam; (4) a 13.8 kV transmission line approximately 1,200 feet long; and (5) appurtenant works. The installed capacity would be 1,100 kW; with an estimated average annual output of 7,000,000 kilowatt-hours.

**Purpose of Preliminary Permit**—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic and environmental feasibility of the proposed project, the market for power, and all other necessary information for inclusion in an application for a license.

**Agency Comments**—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Protests and Petitions to Intervene**—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's rules of practice and procedure, 18 CFR 1.8 or 1.10 (1979). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely

files a protest does not become a party to the proceeding. To become a party to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules.

Any protest, petition to intervene, or agency comments must be filed on or before January 11, 1980. The Commission's address is: 825 North Capitol Street, NE., Washington, D.C. 20426.

The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-35475 Filed 11-15-79; 8:45 am]  
BILLING CODE 6450-01-M

[Docket No. CP80-40]

### Colorado Interstate Gas Co.; Application

November 8, 1979.

Take notice that on October 22, 1979, Colorado Interstate Gas Company (Applicant), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP80-40 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction, acquisition, and operation of certain facilities to increase the winter-day design delivery capacity of its existing Wyoming transmission pipeline in the 1980-1981 heating season and thereafter, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to:

(a) Construct and operate approximately 51.8 miles of 24-inch pipeline as a loop to a portion of the existing 22-inch main line. The proposed loop would extend westward from the point where Applicant's Desert Springs field supply enters the main line to the Kanda Compressor Station owned and operated by Mountain Fuel Supply Company (Mountain Fuel).

(b) Construct and operate a 3,830 horsepower addition to its existing Wamsutter Compressor Station.

(c) Upgrade the existing compressors at Wamsutter from the presently authorized level of 9,300 horsepower to 11,490 horsepower for the three units in total.

(d) Acquire from Mountain Fuel and operate approximately 2.2 miles of existing 12-inch pipeline and reimburse Mountain Fuel for the relocation of its Kanda Meter Station.

The estimated cost of the proposed facilities is stated by Applicant to be

\$14,310,567 and would be financed from funds on hand, internally generated cash from operations and such additional funds from external sources as may be required.

Applicant states that the proposed facilities are necessary to provide additional gas transmission capacity during the 1980-1981 heating season. It projects that an additional 128,800 Mcf of natural gas per day would be available from the area on its Wyoming system west of its Wamsutter compressor station.

Applicant further states that the acquisition of Mountain Fuel's 12-inch line would change the location of Mountain Fuel's delivery point to Applicant to Mountain Fuel's Kanda Compressor Station. It is stated the cost of this relocation is approximately \$14,200.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 6, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,  
*Secretary.*

[FR Doc. 79-35348 Filed 11-15-79; 8:45 am]  
BILLING CODE 6450-01-M

**[Docket No. CP78-544]**

**Columbia Gulf Transmission Co. & Transcontinental Gas Pipe Line Corp.; Amendment to Petition To Amend**

November 8, 1979.

Take notice that on October 16, 1979, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77001, and Columbia Gulf Transmission Company (Columbia), P.O. Box 683, Houston, Texas 77001, filed in Docket No. CP78-544 pursuant to Section 7(c) of the Natural Gas Act, a joint amendment to their petition to amend filed October 1, 1979, in the instant docket so as to authorize Columbia to transport for Transco daily quantities of gas up to the quantities which are tendered to Columbia by Transco, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Petitioners state that by order issued March 21, 1979, in the subject docket, Columbia was authorized to transport for Transco up to 50,000 Mcf of gas per day from the terminus of a pipeline system owned by Sea Robin Pipeline Company near Erath, Louisiana, to Columbia's Rayne, Louisiana, compressor station and, by exchange, to redeliver thermally equivalent quantities to Transco in Terrebonne Parish, Louisiana.

On October 1, 1979, Petitioners filed a joint petition to amend the order of March 21, 1979, requesting authorization to add an additional point of delivery (Carson Dome) where Transco would receive gas from Columbia pursuant to an amended transportation and exchange agreement dated September 5, 1979.

Petitioners state that the September 5, 1979, amendment provides that with the express written consent of Columbia, Transco may tender quantities of gas in excess of the contract demand of 50,000 Mcf per day for transportation and exchange. Petitioners assert that Transco's gas which originates in Block 263, East Cameron Area, offshore Louisiana, has increased above 50,000 Mcf per day. Petitioners, therefore, request authorization for Columbia to transport for Transco daily quantities of gas up to the quantities which are tendered to Columbia by Transco.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before December 6, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

*Secretary.*

[FR Doc. 79-35347 Filed 11-15-79; 8:45 am]  
BILLING CODE 6450-01-M

**Docket No. CP74-204**

**Columbia Gulf Transmission Co. & Natural Gas Co. of America; Petition To Amend**

November 8, 1979.

Take notice that on October 5, 1979, Columbia Gulf Transmission Company (Columbia Gulf), P.O. Box 683, Houston, Texas 77001 and Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago Illinois 60603, filed in Docket No. CP74-204<sup>1</sup> a petition to amend the order issued March 3, 1977, as amended, in the instant docket pursuant to Section 7(c) of the Natural Gas Act by authorizing additional points of delivery for the exchange of natural gas, all as more fully set forth in the petition to amend which is on file with the Commission and open for public inspection.

By joint application filed February 11, 1974, as amended, Natural and Columbia Gulf requested authorization, to transport and exchange gas under an arrangement whereby Natural was to make available up to 75,000 Mcf per day of pipeline capacity from its entitlement in the pipeline system operated by the Stingray Pipeline Company (Stingray), thereby enabling Columbia Gulf to transport gas available to it in the West Cameron area, off-shore Louisiana. Natural would deliver up to 75,000 Mcf per day of gas available to it into the Blue Water Project which is owned jointly by Columbia Gulf and Tennessee

<sup>1</sup>This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the FERC.

Gas Pipeline Company, a Division of Tenneco Inc.

Pursuant to an order issued March 3, 1977, Columbia Gulf and Natural were authorized to construct facilities and transport and exchanged volumes of natural gas. On November 12, 1976, Columbia Gulf and Natural petitioned for authorization to provide for the transportation of up to 10,000 Mcf per day of additional volumes to be transported by each party for the other in the Blue Water Project and the pipeline system of Stingray.

From time to time thereafter Columbia Gulf and Natural were authorized to modify their gas exchange agreement, dated October 12, 1973, to include the addition of several delivery points on the Stingray pipeline system.

By letter agreement dated July 1, 1979, Columbia Gulf and Natural have agreed to modify further the gas exchange agreement to add additional points of delivery on the Stingray system at West Cameron Blocks 537 and 550, offshore Louisiana.

The petition indicates that Columbia Gas Transmission Corporation (Columbia Gas) has purchased the gas reserves of Canso Oil and Gas, Inc. in West Cameron Blocks 525 and 540. Such gas would be produced from a platform located in West Cameron Block 540 and would be transported to the Stingray system through a pipeline which Natural and others proposed to construct from said platform to an underwater valve located on the Stingray system in Block 550.

Columbia Gas has purchased the gas reserves of Koch Industries from Blocks 537, 551, 552 and 560, West Cameron, it is said. The gas reserves would be delivered to the Stingray system at an underwater valve located in west Cameron Block 537.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before December 6, 1979, file with the Federal Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition

to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 79-35348 Filed 11-15-79; 8:45 am]

BILLING CODE 6450-01-M

#### [Project No. 2576]

#### Connecticut Light & Power Co.; Application for Major License

November 8, 1979.

Take notice that an application for major license was filed pursuant to the Federal Power Act, 16 U.S.C. 791a-825r, on June 19, 1978, and revised on June 14 and August 13, 1979, by Connecticut Light and Power Co. for its constructed Housatonic River Project No. 2576 located on the Housatonic River, a navigable waterway of the United States, in Fairfield, New Haven, and Litchfield Counties, Connecticut. Correspondence concerning the application should be addressed to: Mr. W. G. Council, Vice President, Northeast Utilities Service Company, P.O. Box 270, Hartford, Connecticut 06101.

The project has installed capacity of 106,100 kW and consists of four developments:

**A. Stevenson Development**—A run-of-river development consisting of: (1) A 1,250-foot-long concrete gravity dam (crest elevation 98.3 feet m.s.l.) with a maximum height of 124 feet, with a 520-foot-long overflow spillway surmounted by 3-foot-high flashboards; (2) a reservoir (Lake Zoar) having a surface area of about 1,063 acres and a gross storage capacity of 26,900 acre-feet at normal pool elevation 101.3 feet m.s.l. and a usable storage capacity of 5,038 acre-feet with a normal drawdown of 5 feet; (3) two 14-foot wide taintor gates; (4) an intake structure approximately 158 feet with trash racks and motor-operated gates; (5) four 15-foot diameter steel penstocks; (6) a powerhouse containing four units with a total rated capacity of 30,500 kW; (7) a transmission switch yard; and (8) appurtenant facilities.

**B. Shepaug Development**—A run-of-river development consisting of: (1) A 1,412-foot-long concrete dam (crest elevation 170.28 m.s.l.) with a maximum height of 140 feet impounding; (2) a reservoir (Lake Lillinonah) having a surface area of about 1,870 acres and gross storage capacity of 74,000 acre-feet at full pond elevation 198.28 feet m.s.l. and a usable storage capacity of 5,038 acre-feet with a normal drawdown of 3 feet; (3) a 293-foot-long spillway with two 35-foot by 28-foot taintor gates; (4) trash racks and motor-operated control

gates; (5) a 25-foot-diameter steel penstock; (6) a powerhouse containing one unit rated at 37,200 kW; (7) a transmission switch yard; and (8) appurtenant facilities.

**C. Rocky River Development**—A seasonal pumped-storage development consisting of: (1) A 952-foot-long earth-filled main dam (crest elevation of 440.14 feet m.s.l.) having a maximum height of 100 feet which, along with four dikes, forms Candlewood reservoir. The four dikes are: (a) North Lanesville dike—a concrete gravity structure about 11 feet high and 181 feet long including a 57-foot-long spillway section; (b) Middle Lanesville dike—an earth structure about 45 feet high and 167 feet long; (c) South Lanesville dike—a concrete and earth structure about 15 feet high and 391 feet long; (d) Danbury dike—an earth-filled structure built in two sections with lengths of 644 feet and 229 feet and having heights of 42 and 19 feet, respectively; (2) Candlewood reservoir having a surface area of 5,600 acres and a gross storage capacity of 172,000 acre-feet at normal pool elevation 428.14 m.s.l.; (3) a 3,190-foot-long canal-forebay varying in width from 260 to 320 feet, extending northeast from the main dam's east abutment; (4) a circular intake structure located at the northern end of the canal-forebay approximately 35 feet in diameter and about 84 feet high, containing six intake bays with trash racks located at the top of the structure and 16-foot-diameter outlet located at the bottom of the structure; (5) a 105-foot-long, 16-foot-diameter concrete and steel penstock connecting the intake structure to; (6) a 15-foot-diameter 943-foot-long wood stave penstock which extends to; (7) a 20-foot-diameter, 78-foot-high steel surge tank which is in turn connected to; (8) a 670-foot-long steel penstock varying in diameter from 13 to 12 feet; (9) a powerhouse containing a conventional unit rated at 24,000 kW and two reversible pump-generators rated at 3,000 kW each; (10) transmission switch yard; and (11) appurtenant facilities.

**D. Bulls Bridge Development**—A run-of-river development consisting of: (1) Bulls Bridge Dam (Horseshoe Dam)—a concrete gravity overflow structure about 203 feet long having a maximum height of 24 feet (crest elevation of 354 feet m.s.l.) spanning the main river channel; (2) Spooner Dam—a rock filled concrete-capped overflow structure about 156 feet long having a maximum height of 17 feet (crest elevation 351.23 feet m.s.l.) surmounted by 3-foot-high flashboards located across an auxiliary channel; (3) a reservoir having a gross storage capacity of 1,800 acre-feet at full

pond elevation 354 feet m.s.l.; (4) a 600-foot-long canal connecting the reservoir with a headgate structure which includes a concrete spillway, two flood gates, and intake gates; (5) a canal of varying width extending 7,700 feet from the canal headgate structure; (6) an intake-forebay structure consisting of an intake with two trash racks, two motor-operated gates and an emergency spillway about 43 feet wide (crest elevation 354.6 m.s.l.); (7) 8-foot and 13-foot-diameter steel penstocks, each 400 feet long; (8) a concrete powerhouse containing 6 units having a total rated capacity of 8,400-kW; a transmission switch yard; and (9) appurtenant facilities.

Applicant stated that there are extensive recreational facilities at the project including hiking trails, fishing accesses, picnic grounds, boat launch areas, and parking. Applicant proposes to construct recreation facilities such as overlooks, canoes access, trail and fishing access, and parking areas.

The energy generated at the project is incorporated into the Applicant's transmission system for distribution in its service area.

Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's rules of practice and procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests.

In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's rules. Any comments, protest, or petition to intervene must be filed on or before January 14, 1980. The Commission's address is: 825 North Capitol Street, NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 79-35326 Filed 11-15-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. RP80-22]

# **East Tennessee Natural Gas Co.; Tariff Filing Pursuant to Order No. 49**

November 9, 1979.

Take notice that on November 1, 1979, East Tennessee Natural Gas Company (East Tennessee), tendered for filing tariff sheets to its FERC Gas Tariff, Sixth Revised Volume No. 1, to be effective December 1, 1979, consisting of the following:

Original Sheet Nos. 74F, 74G, 74H and 74I.  
First Revised Sheet Nos. 59, 60 and 74E.  
Third Revised Sheet Nos. 7, 14, 25, 28 and 74C.

Fourth Revised Sheet Nos. 8, 68 and 68.  
Fifth Revised Sheet Nos. 5, 9, 12, 67 and 69A.  
Sixth Revised Sheet No. 27.  
Seventh Revised Sheet No. 69.  
Ninth Revised Sheet No. 23.

East Tennessee states that these tariff sheets reflect the modifications and additions to its tariff resulting from the Commission's Regulations adopted in Order No. 49 to implement incremental pricing. Specifically, East Tennessee states that it is adding a new Section 26 to the General Terms and Conditions of its tariff to establish the mechanism for calculating and billing the Incremental Pricing Surcharges. East Tennessee further states that it has revised the Purchased Gas Cost Adjustment provision in Section 22 to reflect the changes in the calculation of its PGA rate adjustment flowing from Order No. 29. Finally, East Tennessee states that it has made a number of minor changes to the notice provisions of its tariff rate adjustment provisions, modified its basic sales rate schedules to incorporate appropriate references to the new incremental pricing provisions of its tariff, and modify the dates for billing and payment to accommodate to the requirements of incremental pricing.

East Tennessee states that copies of the filing have been mailed to all of its jurisdictional and direct customers and affected state regulatory commissions.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 26, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 79-35336 Filed 11-15-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ID-1424; Opinion No. 67]

# **Edwin I. Hatch; Opinion and Order Denying Application To Maintain Certain Directorates**

Issued: November 6, 1979.

Edwin I. Hatch, Docket No. ID-1424, Opinion No. 67, Appearances.

David W. Cohen, Marc S. Koplik and Melvyn Freeman for Edwin I. Hatch  
Adam Wenner and Jon Alper for the Staff of the Federal Energy Regulatory Commission

## **Background**

This proceeding stems from an application filed by Mr. Hatch pursuant to sections 305(b) and 309 of the Federal Power Act<sup>1</sup> ("Power Act"), and Part 45 of the Commission's regulations.<sup>2</sup> It concerns interlocking directorships held by Mr. Hatch in Georgia Power Company ("Georgia"), City Investing Company ("City") and City's wholly owned subsidiary, The Home Insurance Company ("Home"). At the time of filing<sup>3</sup> Mr. Hatch held, and sought approval for, positions as chief executive officer and director of Georgia, a jurisdictional electric utility,<sup>4</sup> together with directorships of City and Home.<sup>5</sup> Subsequently<sup>6</sup> he reached the mandatory retirement age of 65 for Georgia. Since that time, he serves as an "honorary director" with that company and continues as a director of City and Home.

City, through subsidiaries, engages in diversified manufacturing, housing, insurance and financial enterprises. Questions of the applicability of section 305(b) to Mr. Hatch arose in 1971 when

<sup>1</sup> 16 U.S.C. § 825 d(b) and 825 h.

<sup>2</sup> 18 CFR Part 45. Also, references to the "Commission" used in the context of action taken after October 1, 1977, refer to the Federal Energy Regulatory Commission. With respect to periods prior to October 1, 1977, however, the word "Commission" means the Federal Power Commission. See 10 CFR 1000.1.

<sup>3</sup> July 28, 1976, as amended January 6, 1977.

<sup>4</sup> He became a director of Georgia in 1965 and its chief executive officer in 1968. He also became a director of Southern Company ("Southern") in 1965. Southern is a registered holding company and Georgia's parent. His section 305(b) filing of July 20, 1976, requested authorization for this Southern directorship, but this was deleted by the January 6, 1977, amendment. He continued to hold this position with Southern until his retirement in 1978.

<sup>5</sup> He became a director of Home in 1968 and of City in 1968.

<sup>6</sup> April 1, 1978.



Home, an insurance subsidiary of City, formed a subsidiary, Home Capital Services, Inc. Home Capital participates in underwriting securities and is authorized to underwrite public utility securities.

Mr. Hatch was not aware of Home Capital's existence until 1975, when counsel for Southern advised him of it. By letter of April 26, 1976, Mr. Hatch requested the Securities and Exchange Commission's ("S.E.C.") advice as to whether his officer and directorship status contravened section 17(c) of the Public Utility Holding Company Act of 1935<sup>7</sup> ("Holding Company Act"). That section, analogous to section 305(b) of the Power Act, prohibits interlocks between officers and/or directors of registered holding companies or their operating subsidiaries and investment bankers. The S.E.C. responded that Home Capital was an investment banker and its activities must be attributed to its parent. It concluded that Mr. Hatch is precluded from continuing to serve as board chairman and chief executive officer of Georgia and as a director of Southern while concurrently serving as director of City and Home.

Prompted by an exception to section 17(c),<sup>8</sup> Mr. Hatch made the instant application. On February 8, 1978, the administrative law judge issued an initial decision which held, with apparent misgivings, that the application should be approved on the condition that City, Home, and Home Capital divest their holdings of all securities of Georgia and Southern. Divestiture is to be accomplished by requiring Mr. Hatch to file a modification of an existing agreement among City, Home, and Home Capital which presently provides that so long as Mr. Hatch sits on the boards of both City or Home and Southern or Georgia, neither Home nor Home Capital will buy or underwrite any securities of Southern or Georgia. As the decision was written prior to Mr. Hatch's retirement as board chairman and chief executive officer of Georgia, and as neither staff nor applicant raised the point,<sup>9</sup> the issue of his honorary directorship status was not addressed therein.

#### Issues

From the foregoing, we must decide whether an "honorary director" of a jurisdictional utility may concurrently hold directorships of two corporations having a subsidiary which is authorized

to underwrite public utility securities. This raises three issues, the first two of which are jurisdictional: (1) Is an "honorary director" a "director" within the purview of section 305(b)? and (2) Are Home Capital's investment activities attributable to Home and/or City so as to bring these entities within the ambit of section 305(b)? If we answer yes to these, the third issue is whether Mr. Hatch has shown that neither public nor private interests will be adversely affected, as required by section 305(b).

#### Discussion

1. Is an "honorary director" a "director" within the purview of section 305(b)?

Section 305(b) provides, in pertinent part:

\* \* \* it shall be unlawful for any person \* \* \* to hold the position of officer or director of a public utility and the position of officer or director of any \* \* \* firm that is authorized by law to underwrite or participate in the marketing of securities of a public utility, \* \* \* unless the holding of such positions shall have been authorized by order of the Commission, upon due showing in form and manner prescribed by the Commission, that neither public nor private interests will be adversely affected thereby.

Part 45, *supra*, of the Commission's regulations prescribes the form and manner for the filing of an application seeking authority to hold interlocking positions. Section 42.5, "Positions requiring authorization," provides that:

(a) The positions subject to this part shall include those of any person elected or appointed to perform the duties or functions ordinarily performed by a \* \* \* director \* \* \*, or to perform any other similar executive duties or functions, in any corporation within the purview of section 305(b) of the act.<sup>10</sup>

Mr. Hatch's testimony was that he would retire as board chairman and as chief executive officer on April 1, 1978.<sup>11</sup> Thereafter, he may attend the board meetings as an honorary member, but not participate in the voting. He added that only an inside director of Georgia can become "an honorary non-participating non-voting member", and that he was not paid to attend.<sup>12</sup> As we have not been advised otherwise, we presume that Mr. Hatch actually does attend the Georgia meetings. We find that as a former chief executive with the opportunity to attend board meetings, he is in the position to affect or influence the voting directors.

S.E.C. precedent suggests that we, as does the S.E.C., have control over Mr.

Hatch's status as an honorary director. In *Reynolds Securities, Inc.* (S.E.C. 1972), '72-73 C.C.H. Dec. ¶79,202, p. 82,642, a former Southern chief executive and board chairman who, like Mr. Hatch, continued as an "advisory director," sought an S.E.C. opinion that he could also serve as a director of an investment banking firm. That executive's duties as an advisory director were identical to Mr. Hatch's. The S.E.C. held that he was within the prohibitions of section 17(c) and rule 70(c)(2)<sup>13</sup> promulgated thereunder.

The S.E.C. rule defines director as "any director \* \* \* or any individual who performs similar functions \* \* \*." They reasoned that although an advisory director does not cast a vote, he:

\* \* \* is not a figurehead. In general, his function is to make his knowledge, experience, and judgment available to the [b]oard, and while he does not command, he certainly is in position to affect or influence the judgments and decisions of the directors who vote.<sup>14</sup>

They added that although an advisory director is not literally "a director," he is an "individual who performs similar functions" under their rule.

We reach the same conclusion as the S.E.C. on this issue. We have found that Mr. Hatch, as past board chairman and chief executive officer of Georgia, is in a position as honorary director to affect or influence the present voting directors. We find Mr. Hatch performs functions similar to those of a director and therefore he is within the purview of section 305(b) of the Power Act and our regulation 45.2, *supra*: "any person \* \* \* appointed to perform the duties or functions ordinarily performed by a \* \* \* director \* \* \* or to perform any other similar executive duties or functions."

2. Are Home Capital's investment activities attributable to Home and/or City so as to bring these entities within the ambit of section 305(b)?

The initial decision held<sup>15</sup> that such attribution was proper, and Mr. Hatch has filed exceptions thereto. We agree with the initial decision.

The S.E.C. has held that attribution applies in Mr. Hatch's case under their statute and rules, which are similar to ours. He has shown us nothing more on this issue than he did before the S.E.C. Moreover, were we to hold that attribution does not apply, we would be ignoring the standards underlying parallel regulation of the holding companies by the S.E.C. Rather, it has been our policy to strive for consistent

<sup>7</sup> 15 U.S.C. 79 q(c).

<sup>8</sup> Rule 70(a)(5), 17 CFR 250.70(a)(5), allows a registered holding company or its subsidiaries to have as officers or directors persons specifically authorized by this Commission hold such positions.

<sup>9</sup> Nor do they raise it on exceptions.

<sup>10</sup> 18 CFR 45.2.

<sup>11</sup> Transcript ("Tr."), p. 21.

<sup>12</sup> Tr., pp. 127-128.

<sup>13</sup> 17 CFR 250.70(c)(2).

<sup>14</sup> *Reynolds, supra*, at p. 82643.

<sup>15</sup> Pp. 11-12.

treatment under the Power Act and Holding Company Act.<sup>16</sup>

Additionally, the facts here present the potential for evil which was to be remedied by the Power Act's section 305(b) and the Holding Company Act's section 17(c). Congressional intent was to insulate the holding company and its subsidiary utility companies from the influence of investment firms. Home Capital is an investment firm under both the S.E.C.'s rule and our regulations.<sup>17</sup> Home Capital acts as an agent for and is a wholly owned subsidiary of Home and City, where Mr. Hatch is a director. By virtue of Mr. Hatch's positions on the boards of City and Home, the potential is created for improper influence over Home Capital's issuance of, or dealing in, Georgia's securities. Also, Home and City have, respectively, \$2.5 billion and \$4.2 billion in consolidated assets, which could influence the marketability of the utility's securities. The 1935 Act legislation was designed to eliminate any such potential for harm to public or private interests. We therefore affirm the initial decision on this issue.

3. Has Mr. Hatch shown neither public nor private interests will be adversely affected by his holding of these positions?

As we recently held in unaffiliated public utility cases,<sup>18</sup> which denied authorization under section 305(b), an applicant must establish justification for exemptions from the statute's general prohibition against interlocks. Mr. Hatch has failed to show any clear, overriding benefit as required by section 305(b). We assume that there are some benefits that may accrue to Georgia by virtue of Mr. Hatch's remaining as an honorary director. Nevertheless, Congress directed this Commission to examine proposed interlocks and deny those where it cannot be shown "that neither public nor private interests will be adversely affected thereby". The Congress thus established a very stringent standard reflective of their concern for the potential harm inherent in such interlocks. We are unable to conclude from the record that sufficient benefit is reasonably anticipated to accrue from the position such that the

potential for benefit overrides any potential harm to either Georgia, its consumers and shareholders, or to the shareholders of City and Home.

Mr. Hatch's status changed subsequent to issuance of the initial decision from that of a "director" to that of an "honorary director." The record does not fully detail Mr. Hatch's current obligations, responsibilities, or practices as an honorary director. If Mr. Hatch believes that his status as an honorary director is sufficiently different from that of a director as to warrant different treatment, he is free to file a new application with the Commission.

A final matter concerns whether it is necessary to require divestiture of the Georgia and Southern securities held by Home. The ALJ recommended divestiture of these securities as a condition to Mr. Hatch's authorization. Because we reject the application, we do not reach the issue presented by the initial decision.

#### *The Commission Orders*

(A) The application of Mr. Hatch to hold interlocking positions pursuant to section 305(b) of the Federal Power Act is hereby denied.

(B) Mr. Hatch is hereby directed to remove himself from his position as a director of City and Home or as director or honorary director of Georgia within seventy-five (75) days from the effective date of a final order in this proceeding and is further directed, unless otherwise authorized by this Commission, to refrain henceforth from maintaining any interlocking position, direct or indirect, between these companies.

(C) The Secretary shall cause prompt publication of this order to be made in the Federal Register.

By the Commission. Commissioner Sheldon, concurring, filed a separate statement appended hereto.  
Kenneth F. Plumb,  
Secretary.

**Sheldon, Commissioner, concurring:**

Issued: November 6, 1979.

The application, filed by Edwin I. Hatch in July 1976, was a request for authorization to hold interlocking directorships in Georgia Power Company, City Investing Company and The Home Insurance Company, subsidiary of City Investing.<sup>1</sup> In April 1978, while the application was pending, Mr. Hatch retired as the Chairman and Chief Executive Officer of Georgia Power Company. As was the customary practice of Georgia Power Company,

<sup>1</sup> The application was filed pursuant to Section 305(b) and 309 of the Federal Power Act. 16 U.S.C. 825d(b) and 825h.

they appointed Mr. Hatch as an "honorary director" which allowed him to be a nonparticipating, nonvoting and nonpaid member of the Board. It is at this stage of the proceeding that Mr. Hatch's application should have been denied for being moot. As such, I concur with my colleagues in the denial, but I do not wish to proceed down the road of addressing answers to questions that are not before the Commission.

My fellow Commissioners believe it to be important in their decision to determine (1) whether an "honorary director" is a director,<sup>2</sup> and (2) should the Commission adopt the Security Exchange Commission's definition of director.<sup>3</sup> By adopting this very broad SEC definition, the Commission decided that an "honorary director," irregardless of his actual duties, is a director. Moreover, this definition would also require the filing of a Section 305(b) application by all outside advisors and consultants working for a public utility and holding a position of "officer or director of any bank, trust company, banking association, or firm that is authorized by law to underwrite or participate in the marketing of securities of a public utility, or officer or director or any company supplying electric equipment to such public utility \* \* \*."<sup>4</sup>

I was under the belief that my colleagues were concerned that as an "honorary director," Mr. Hatch could affect or influence the decisions of the other voting directors. A show cause proceeding would have been a simple solution to resolve whether Mr. Hatch has any influence as an "honorary director."<sup>5</sup> By addressing issues that were not before the Commission my colleagues may not be able to retreat from this untenable decision. Thus, I would support their result but not their reasoning.

Georgiana H. Sheldon,  
Commissioner.

[FR Doc. 79-35337 Filed 11-15-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. RP72-155]

**El Paso Natural Gas Co.; Tariff Filing**

November 8, 1979.

Take notice that on October 26, 1979, El Paso Natural Gas Company ("El

<sup>2</sup> Majority Opinion at page 5.

<sup>3</sup> *Ibid.*

<sup>4</sup> 16 U.S.C. 825d(b).

<sup>5</sup> The Majority Opinion at page 4, "presumes" that Mr. Hatch attends the Board of Directors meetings. Further, since there is a presumption of attendance, my colleagues also "presumed" that Mr. Hatch influences the other voting members. The Show Cause Proceeding, if it had been established, would have resolved these basic factual issues.

<sup>16</sup> *Western Light & Telephone Company, Inc.* 33 F.P.C. 1147 (1965); and *Commonwealth Edison Company and Central Illinois Electric and Gas Company* 38 F.P.C. 927 (1968).

<sup>17</sup> Under the SEC's rule 70(c)(4), an "investment banker" is a person engaged in business as an underwriter or dealer. Our regulation 45.2(b) provides "Corporations within the purview of section 305(b) of the act include: (2) Any \* \* \* firm that is authorized by law to underwrite or participate in the marketing of public utility securities \* \* \*."

<sup>18</sup> *Willis C. Fitkin, William C. MacInnes*, ID-1709 and ID-1710. (June 25, 1979).



Paso") filed, pursuant to Part 154 of the Commission's Regulations Under the Natural Gas Act, Fifth Revised Sheet Nos. 67-D and 1-I to its FERC Gas Tariff, Original Volume No. 1 and Original Volume No. 2A, respectively.

El Paso states that the tendered tariff sheets have been modified to conform El Paso's Purchased Gas Cost Adjustment ("PGAC") and PGAC-Clean, High Pressure Gas ("PGAC-CHPG") provisions contained in its FERC Gas Tariff, Original Volume No. 1 and Original Volume No. 2A, respectively, to the directives and amended Regulations set forth in the Commission's Order No. 47 issued September 10, 1979, at Docket No. RM77-22. Order No. 47, *inter alia*, amended the Commission's regulations, effective October 1, 1979, to tie the rate for computation of carrying charges on the deferred balances in Account 191, Unrecovered Purchased Gas Costs, to the rate of interest on pipeline refunds computed in the manner set forth in § 154.67(d)(2)(iii) of the regulations. El Paso states that to implement such modification, it tendered Fifth Revised Sheet No. 67-D to its PGAC provision and Fifth Revised Sheet No. 1-I to its PGAC-CHPG provision.

El Paso has requested that the Commission grant such waiver of its Regulations as may be necessary in order to accept the tendered tariff sheets for filing and permit them to become effective as of October 1, 1979, inasmuch as the new rule on computing carrying charges on Account 191 balances became effective on such date. El Paso states that grant of such waiver will modify the PGAC and PGAC-CHPG provisions of El Paso's FERC Gas Tariff in a manner consistent with said Order No. 47.

El Paso states that copies of the filing were served upon all parties of record in Docket No. RP72-155 and, otherwise, upon all of El Paso's interstate transmission system customers and interested state regulatory commissions.

Any person desiring to be heard or to make any protest with reference to said tariff filing should, on or before November 23, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C., 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations Under the Natural Gas Act (18 CFR 157.10). Protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make any protestants parties to the proceeding. Any person wishing to become a party to a proceeding must file a petition to

intervene in accordance with the Commission's rules. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 79-35327 Filed 11-15-79; 8:45 am]  
BILLING CODE 6450-01-M

[Docket No. ES79-62]

#### Gulf States Utilities Co.; Application

November 8, 1979.

Take notice that on October 23, 1979, Gulf States Utilities Company (Applicant) filed a request seeking authorization, pursuant to Section 204 of the Federal Power Act, to negotiate the placement of up to \$75 million of First Mortgage Bonds. Applicant is incorporated under the laws of Texas with its principal business office at Beaumont, Texas, and is engaged in the electric utility business in portions of Louisiana and Texas. Natural gas is purchased at wholesale and distributed at retail in the City of Baton Rouge, Louisiana and vicinity.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 15, 1979, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 79-35328 Filed 11-15-79; 8:45 am]  
BILLING CODE 6450-01-M

[Docket No. TC80-31]

#### Kansas Nebraska Natural Gas Co.; Tariff Filing Pursuant to Order No. 29

November 8, 1979.

Take notice that on October 31, 1979, Kansas Nebraska Natural Gas Company (KN) tendered for filing pursuant to Order No. 29 and Section 281.204 of the Commission's Regulations, in Docket TC

80-31, the following sheets to its FERC Gas Tariff, Third Revised Volume No. 1:

Second Revised Sheet No. 24  
Second Revised Sheet No. 24A  
First Revised Sheet No. 24B  
First Revised Sheet No. 24C  
Original Sheet No. 24D  
Original Sheet No. 24E  
Second Revised Sheets No. 33 through No.

37  
Original Sheets No. 38 through No. 49

The sheets are proposed to be effective December 1, 1979.

In addition to the tariff sheets, K-N filed (1) a Statement of the Nature, the Reasons and the Basis for the Proposed Tariff Provisions and (2) copies of the Data Verification Committee (DVC) report prepared in accordance with § 281.213 of the Commission's regulations. K-N states that because delivery reductions are made on a day-to-day basis, the use of "entitlements" would be misleading. Accordingly, K-N's Index included in Second Revised Sheet No. 33 and the sheets which follow is entitled an Index of Requirements. It includes consumers in Priority 2 and in Steps 1 through 7 of Priority 3.

Acceptance of the tendered sheets will establish the following Allocation of Delivery Capability:

#### Priority 1

Category 1(a): Requirements of persons using natural gas in a dwelling for residential purposes, including apartment buildings and other multi-unit buildings, and requirements of small commercial consumers (including public and private institutions and local, state and Federal Government agencies) having requirements on a peak day of less than 50 Mcf for purposes other than those involving manufacturing or electric power generation.

Category 1 (b): Requirements for the following purposes:

1. In a school, defined as a facility the primary function of which is to deliver instruction to regularly enrolled students in attendance at such facility.

2. In a hospital, defined as a facility the primary function of which is delivering medical care to patients who remain at the facility, including nursing and convalescent homes.

3. For police and/or fire protection and in sanitation and correctional facilities.

#### Priority 2

Any use of natural gas which has been certified by the Secretary of Agriculture as an essential agricultural use under Section 401(b) of the Natural Gas Policy Act unless the Commission, in consultation with the Secretary of

Agriculture, determines, by rule or order, that the use of an alternate fuel is economically practicable and reasonably available. The definition of "alternate fuel" shall be that stated in 18 CFR 281.203(a)(16).

### Priority 3

(i) All deliveries of requirements not specified in Priority 1 or Priority 2, shall be reduced uniformly to consumers of Seller and for consumers served by Buyer as follows:

Step 1: Boiler fuel use by industrial consumers having a requirement for such use on a peak day of more than 10,000 Mcf.

Step 2: Boiler fuel use by industrial consumers having a requirement for such use on a peak day of more than 3,000 Mcf but not more than 10,000 Mcf.

Step 3: Boiler fuel use by industrial consumers having a requirement for such use on a peak day of more than 1,500 Mcf but not more than 3,000 Mcf.

Step 4: Boiler fuel use by industrial and commercial consumers having a requirement for such use on a peak day of more than 300 Mcf but not more than 1,500 Mcf.

Step 5: Industrial use not specified in Steps 1, 2, 3, 4, and 7 having a peak day requirement for such use of more than 500 Mcf.

Step 6: Requirements of all consumers not specified in Priority 1, Priority 2, and Steps 1, 2, 3, 4, 5, and 7 of this Priority 3.

Step 7: All uses by commercial consumers having requirements on a peak day of 50 Mcf or more except for boiler fuel use by commercial consumers having requirements on a peak day of more than 300 Mcf, and requirements of all industrial consumers for feedstock and process needs.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 19, 1979. Protests will be considered by the Commission in determining the appropriate action to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 79-35329 Filed 11-15-79; 8:45 am]  
BILLING CODE 6450-01-M

[Docket No. CP74-157]

### Michigan Wisconsin Pipe Line Co.; Petition to Amend

November 8, 1979.

Take notice that on October 24, 1979, Michigan Wisconsin Pipe Line Company (Mich Wis), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP74-157 a petition to amend the order issued September 6, 1974,<sup>1</sup> as amended, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize a change in service from Rate Schedule SGS-1 to Rate Schedule CD-1 for City Gas Company (City Gas), effective September 1, 1979, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Mich Wis states that City Gas has informed Mich Wis that it desires to change its presently effective service agreement under Rate Schedule SGS-1, having a contract demand of 5,300 Mcf and an annual contract quantity of 1,022,925 Mcf, to a service agreement pursuant to Rate Schedule CD-1, with corresponding volume specifications. Mich Wis asserts that such change would be permitted under the provisions of Section 8 of the general terms and conditions of its FERC Gas Tariff, Original Volume Number 1. Mich Wis further states that such service would commence upon approval by the Commission.

Mich Wis states that the requested changes would not result in any increase in peak day or annual entitlement, and that it would not interfere with Mich Wis' ability to meet the needs of its other customers.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before December 6, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a

<sup>1</sup> This proceeding was commenced before the FPC, By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 79-35349 Filed 11-15-79; 8:45 am]  
BILLING CODE 6450-01-M

[Docket Nos. CP78-545, CP78-527]

### Michigan Wisconsin Pipe Line Co. and Great Lakes Gas Transmission Co.; Petition To Amend

November 8, 1979.

Take notice that on October 17, 1979, Michigan Wisconsin Pipe Line Company (Mich Wisc), One Woodward Avenue, Detroit, Michigan 48226, and Great Lakes Gas Transmission Company (Great Lakes), 2100 Buhl Building, Detroit, Michigan 48226, filed in Docket Nos. CP78-545 and CP78-527, respectively, a joint petition to amend the order issued July 23, 1979, in the instant dockets pursuant to Section 7(c) of the Natural Gas Act for authorization to provide a gas transportation service for United Cities Gas Company (United Cities) incident to a storage service that United Cities has contracted to receive from ANR Storage Company (ANR), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioners state that the transportation service provided by Mich Wisc would entail taking receipt during the Summer Period (April-October) of up to 100,000 Mcf of natural gas which United Cities would cause Panhandle Eastern Pipe Line Company (Panhandle) to deliver to Mich Wisc in Defiance County, Ohio, for its account. Mich Wisc would deliver such volumes less 0.2 percent retained as compressor fuel to Great Lakes at Farwell, Michigan, which would in turn make deliveries to ANR. Conversely, during the Winter Period (November-March) Petitioners further provide that the service would entail United Cities' causing ANR to redeliver to Great Lakes such quantities that ANR has stored, with Mich Wisc in turn causing Great Lakes to redeliver such quantities to it. Petitioners assert that Mich Wisc would then transport and redeliver equivalent volumes to Panhandle for the account of United Cities.

Mich Wisc asserts that it would provide its portion of the transportation service pursuant to a transportation agreement between it and United Cities dated June 12, 1979. Mich Wisc further states that said transportation agreement is for fifteen years commencing on April 1, 1980, or such

later date as ANR shall inform United Cities that storage facilities are complete and ready for service. Mich Wisc states that United Cities has agreed to pay it a rate of \$1,828 per month as consideration for providing the transportation service.

Petitioners state that in order to implement the proposed transportation service, they would utilize a previously authorized arrangement between Petitioners as set forth in the gas transportation and exchange contract dated May 30, 1978. Petitioners assert that the proposed transportation and exchange service is completely within the contemplation of the aforementioned contract.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before December 6, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

*Secretary.*

[FR Doc. 79-35350 Filed 11-15-79; 8:45 am]

BILLING CODE 6450-01-M

#### [Docket No. RP80-23]

#### Midwestern Gas Transmission Co.; Tariff Filing Pursuant to Order No. 49

November 9, 1979.

Take notice that on November 1, 1979, Midwestern Gas Transmission Company (Midwestern) tendered for filing tariff sheets to its FERC Gas Tariff, Third Revised Volume No. 1, to be effective December 1, 1979, consisting of the following:

Original Sheet Nos. 95J, 95K and 95L.  
First Revised Sheet Nos. 7, 12, 13, 17, 18 and 95L.

Third Revised Sheet No. 79.

Fourth Revised Sheet No. 83.

Fifth Revised Sheet Nos. 80, 81, 82, 84, 86 and 94.

Sixth Revised Sheet Nos. 85 and 95G.

Midwestern states that these tariff sheets reflect the modifications and additions to its tariff resulting from the

Commission's regulations adopted in Order No. 49 to implement incremental pricing. Specifically, Midwestern states that it is adding a new Article XXII to the General Terms and Conditions of its tariff to establish the mechanism for calculating and billing the Incremental Pricing Surcharges to its southern system customers. Midwestern further states that it has revised the Purchased Gas Cost Adjustment provision for the Southern system in Article XVII to reflect the changes in the calculation of its PGA rate adjustment flowing from Order No. 49. Finally, Midwestern states that it has made a number of minor changes to the notice provisions of its tariff rate adjustment provisions and modified its basic sales rate schedules to incorporate appropriate references to the new incremental pricing provisions of its tariff.

Midwestern states that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules and practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 26, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

*Secretary.*

[FR Doc. 79-35358 Filed 11-15-79; 8:45 am]

BILLING CODE 6450-01-M

#### [Docket Nos. ER79-642, ER78-14 and ER77-354]

#### Missouri Utilities Co.; Order Accepting for Filing and Suspending Proposed Service Agreement and Consolidating Proceedings

November 5, 1979.

On April 29, 1977 in Docket No. ER77-354, Missouri Utilities Company (MU) tendered for filing a proposed increase in its SFR-1 rate for the cities of Kennett, Jackson and Malden, Missouri (cities). The proposed rate applied to Kennett under a tariff and an executed service agreement. It was intended to apply to Jackson and Malden under their

respective fixed-rate contracts. By order dated June 1, 1977, the Commission<sup>1</sup> accepted for filing and suspended the proposed rate as it relates to Kennett, and set the rate for hearing pursuant to Sections 205 and 206 of the Federal Power Act.

The Commission interpreted MU's contracts with Jackson and Malden as requiring the existence of a negotiation impasse before MU could unilaterally request an investigation of the existing rate under Section 206 of the Federal Power Act. After finding that such an impasse existed, the rate as it relates to Jackson was set for investigation, with any rate increase to that customer to become effective at the conclusion of Docket No. ER77-354. However, the Commission found that no impasse had been reached in contract negotiations with Malden and, therefore, MU's filing was rejected as to that city without prejudice to subsequent refiling if an impasse in negotiations developed.

On October 5, 1977 in Docket No. ER78-14 MU resubmitted its proposed SFR-1 rate increase to the City of Malden stating that it had complied with the rate redetermination section of the fixed-rate contract and that an impasse in negotiations had been reached. By order issued November 4, 1977, the Commission conditionally accepted the rate for filing under Section 206 and deferred its use pending the determination of the rate's lawfulness. The Commission consolidated Docket No. ER78-14 with Docket No. ER77-354.

Malden intervened and actively participated in the Commission's investigation. An initial decision has been reached in the consolidated dockets.<sup>2</sup> MU's SFR-1 rate, as modified by the initial decision, was found to be just, reasonable and otherwise lawful. The decision also held that Malden and Jackson would be served under the SFR-1 rate after their respective fixed-rate contracts expire. Presently, the consolidated dockets are pending final Commission decision.

#### Present Filing

On September 28, 1978, MU notified Malden of its intention to terminate their fixed-rate contract effective October 1, 1979. This was done pursuant to the contract's one-year notice provision. On September 9, 1979 MU tendered for filing

<sup>1</sup> The term "Commission" refers to the Federal Power Commission regarding actions taken prior to October 1, 1977, and otherwise to the Federal Energy Regulatory Commission.

<sup>2</sup> *Missouri Utilities Company*, Docket Nos. ER77-354 and ER78-14, initial decision issued February 26, 1979.

an unexecuted service agreement<sup>3</sup> which would apply to Malden and would incorporate the proposed SFR-1 rate in accordance with §§ 35.1(c) and 35.13 of the Commission's regulations.<sup>4</sup>

Section 1 of the agreement<sup>5</sup> provides that Malden will take electric service \* \* \* "for its own use and for distribution and resale to its customers in Purchaser's service area described as follows: The City of Malden, Missouri, and its future annexed areas." The City of Kennett has a corresponding provision in its service agreement. These clauses effectively restrict the Cities from reselling electric power and energy except at the retail level. The Commission has established a *per se* rule against such resale prohibitions, finding them to be unduly restrictive and anticompetitive. *Gulf States Utilities Co.*, Docket No. ER 76-816, issued October 20, 1978. Accordingly, we will direct MU to remove its restrictive language from section 1 of the service agreements with Kennett and with Malden. However, recognizing MU's need for orderly power supply planning we will declare this restrictive position null and void and of no legal effect 90 days from the issuance date of this order. This period will allow MU to file substitute service agreement provisions with the Commission.

Section 8 of the service agreement specifies an initial term of twenty years. This clause corresponds to section 7(2) of MU's SFR-1 tariff which states, "Customers receiving service under this schedule shall sign a contract effective for twenty (20) years."<sup>6</sup> Section 9 of the

filed tariff also specifies a 20-year term for customers receiving service under the SFR-1 rate schedule. With regard to Malden's comment (note 4, *supra*) the Commission notes that under certain circumstances, which could be present in this case, a 20-year initial term may be excessive and anti-competitive. However, Malden does not appear to consider itself to be presently aggrieved by this provision and has not requested an investigation of it. The Commission will therefore take no action at this time but notes that Malden has available to it a Section 206 complaint proceeding if in the future it finds this clause to be restrictive.

MU has requested waiver of the Commission's notice requirements under § 35.3 of the regulations. This would permit Malden to be served under the proposed SFR-1 rate, subject to refund, upon termination of the fixed rate contract. Under § 35.11 of the Commission's Regulations, the Commission may, upon application and for good cause shown, waive the notice requirement. MU's one-year notice of its intention to terminate the fixed-rate contract with Malden apprised the City of the prospective filing of a new rate. Moreover, Malden participated in the consolidated hearing concerning the justness and reasonableness of the proposed SFR-1 rate schedule.<sup>7</sup> Therefore, a waiver of the notice requirement in the present docket will not prejudice or deny due process to the city.

MU's proposed service agreement with the City of Malden has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. The tendered filing should be accepted for filing and suspended for one day, to become effective as of October 2, 1979, subject to the outcome of these proceedings. Pursuant to § 1.20(b) of the Commission's regulations Docket No. ER79-642 will be consolidated with MU's original filings in Docket NOs. ER77-354 and ER78-14 due to the common questions of law and fact.

#### The Commission Orders

(A) MU's request for waiver of the Commission's sixty day notice requirement is hereby granted.

shall continue in effect for an initial term of twenty years, and shall continue thereafter for successive terms of five years each, subject to termination at the end of the initial or any renewal term by the giving of notice in writing by either party to the other at least two years prior to the expiration of the initial or any renewal term.

<sup>7</sup> Docket Nos. ER 77-354 and ER 78-14.

(B) MU's proposed service agreement with Malden, as modified by this order is hereby accepted for filing and suspended for one day to become effective as of October 2, 1979, subject to refund.

(C) Docket No. ER79-642 is hereby consolidated with and made dependent on the decision reached in Docket Nos. ER78-14 and ER77-354.

(D) The restrictive clauses contained in Section 1 of the Service Agreements are hereby null, void and of no legal effect 90 days from the issuance of this order.

(E) MU shall file substitute service agreement provisions with the Commission within 90 days from the issuance of this order.

(F) The Secretary shall promptly publish this order in the Federal Register.

By the Commission.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 79-35339 Filed 11-15-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP75-227]

#### Montana-Dakota Utilities Co.; Petition to Amend

November 8, 1979.

Take notice that on October 17, 1979, Montana-Dakota Utilities Co. (Petitioner), 400 North Fourth Street, Bismarck, North Dakota 58501, filed in Docket No. CP75-227 a petition to amend the order issued pursuant to Section 7(c) of the Natural Gas Act on February 25, 1977, so as to remove the intrastate supply condition prescribed therein, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that it applied in the instant Docket for authorization to sell up to 6,000 Mcf of natural gas per day to Northern Gas Company (Northern Gas) as the initial step in a plan whereby Northern Utilities, Inc. (Northern Utilities), an affiliate of Northern Gas, would sell an equivalent amount of gas each day to Petitioner for use in meeting the requirements of its Sheridan System which serves the Towns of Sheridan, Kaycee and Buffalo, Wyoming. Petitioner states that Petitioner's authorization granted by the order of February 25, 1977, resulted from Northern Utilities' termination of a long-term contract to sell Petitioner approximately 6,000 Mcf of gas per day for the Sheridan System. The contract termination arose, it is stated, because of serious reductions in Northern Gas'

<sup>3</sup> Designated as: "Missouri Utilities Company, Service Agreement under FPC Electric Tariff, Original Volume No. 1. (Supersedes Rate Schedule FPC No. 7 as supplemented)"

<sup>4</sup> Notice of the filing was issued on September 14, 1979, with comments due by October 5, 1979. Malden filed its comments with the Commission on October 9, 1979, criticizing portions of the tariff and service agreement as unduly restrictive and stating that the twenty year initial term is unnecessary. The City has neither petitioned to intervene nor has it requested any specific Commission action. Malden's statement has been considered by the Commission and will be treated as a protest under § 1.10 of the Commission's rules of practice and procedure.

<sup>5</sup> Section 1 of Malden's unexecuted service agreement provides:

"Company agrees to sell and deliver and Purchaser agrees to take and pay for all electric service required by Purchaser for its own use and for distribution and resale to its customers in Purchaser's service area described as follows:  
The City of Malden, Missouri and its duly future annexed areas,

provided, however, that the purchaser may use at his sole discretion, the generating capabilities of the City of Malden's Municipal Electrical Generating Plant and any improvements thereto subject to Section 7 of this Agreement."

A similar provision is contained in Kennett's service agreement.

<sup>6</sup> Section 8. *Effective Date and Term.* This agreement shall take effect on October 2, 1979, and

gas supply. Petitioner asserts that it supported the aforementioned authorization in order to allow it, in effect, to serve the Sheridan System from its integrated system.

Petitioner states that in the course of hearings regarding the propriety of the authorization, it informed the Commission that it had recently signed an intrastate contract with a producer for a significant supply of casinghead gas which was expected to meet almost all of the needs of the Sheridan System, at least in the initial years. As a result, Petitioner accepted, it is stated, an order dated February 25, 1977, which basically approved its certificate application, but included the following conditional language:

(1) The service authorized herein will be utilized only to the extent necessary to offset supply deficiencies up to a maximum of 6,000 Mcf of gas per day available to MDU (Petitioner) from all intrastate sources in the State of Wyoming.

Petitioner asserts that it has treated the Sheridan System as part of its integrated system as of the date commencement of service from interstate supplies was authorized. Petitioner states that in accordance with that approach, it filed on December 1, 1977, in Docket No. RP74-97 (PGS 78-1) its semiannual purchased gas adjustment (PGA) which contemplated, *inter alia*, the allocation of the costs of intrastate supplies for the Sheridan System on a system-wide basis. The filing, it is stated, was suspended for one day and hearings instituted to determine, *inter alia*, the propriety of the inclusion of Powell II costs. By order of July 11, 1979, the Commission affirmed the Law Judge's holding that the Sheridan System was not a part of Petitioner's integrated system and that, therefore, Petitioner's tariff does not permit the inclusion of Powell II gas costs in its PGA adjustments; and that even if the Sheridan System was a part of the integrated system, the lack of sufficient benefits from the Powell II gas to the jurisdictional customers precluded the utilization of the rolled-in method of cost allocation. The holding went on to direct, it is stated, that refunds should be made by Petitioner to its jurisdictional customers of all sums collected from them for the cost of gas from the Powell II Unit.

Petitioner states that the Commission's order of September 10, 1979, denying rehearing, suggested that if Petitioner " \* \* believes that the certificate needs amending in light of recent developments in both the law and its system operations, it is free to seek to initiate proceedings in order to

demonstrate that the certificate should be amended." Petitioner states that the instant petition is the direct result of that suggestion.

In conjunction with this filing, Petitioner states that it is presently preparing a petition to amend its Bowdoin Exchange arrangements with Kansas-Nebraska Natural Gas Company, Inc. (K-N) in Docket No. CP75-154. Petitioner states that pursuant to an August 9, 1979, agreement with K-N, it would use excess Powell II volumes as redelivery volumes under the Bowdoin exchange, thus freeing up volumes currently delivered and augmenting Petitioner's general system supply by an equivalent amount.

Petitioner states that removing the intrastate supply condition would serve the public interest for several reasons. First, it is asserted that a certificate condition based upon strict separation of interstate and intrastate gas supplies has become unreasonable in light of the passage of the Natural Gas Policy Act of 1978 which, it is stated, has ended the system of dual markets. Second, the policy enunciated in Arkansas Louisiana Gas Company, Docket Nos. CP 76-221 and CP 76-251, whereby diversion of gas from the interstate to the intrastate market was disallowed as increasing curtailment on the interstate system, is stated to be inapplicable to Petitioner's situation since Petition has applied its FERC curtailment plan to Sheridan System deliveries; thus, actually reducing the volumes of gas required to be taken from the interstate system. Third, given the current disparity between intrastate and interstate gas prices, the recent escalation of gas rates, coupled with assignment of all Powell II costs to Sheridan, would, it is stated, produce an inequitable result. Fourth, Petitioner states that, in the face of the PGA orders determining that the Sheridan System is not a part of Petitioner's integrated system, the Wyoming Public Service Commission has ruled that Petitioner's interstate curtailment plan should not apply thereto. Fifth, the amendment to the Bowdoin Agreement would, it is asserted, make more gas available to Petitioner's certificated system. For these reasons, Petitioner requests removal of the intrastate supply condition attached to the authorization in the instant docket.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before December 6, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance

with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 79-35351 Filed 11-15-79; 8:45 am]

BILLING CODE 6450-01-M

#### [Docket No. CP75-154]

#### Montana-Dakota Utilities Co.; Petition to Amend

November 8, 1979.

Take notice that on October 22, 1979, Montana-Dakota Utilities Company (Petitioner), 400 North Fourth Street, Bismark, North Dakota 58501, filed in Docket No. CP75-154 a petition to amend the order issued May 11, 1977<sup>1</sup> in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize an additional delivery point under an existing authorized exchange, and in connection therewith to use in interstate commerce certain existing facilities which have previously been used solely in intrastate commerce, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that it entered into a gas sales, transportation, and exchange agreement (Bowdoin Exchange Agreement) with Kansas-Nebraska Natural Gas Company, Inc. (KN) on May 10, 1974, knowingly for the transportation of volumes of gas from the Bowdoin fields, in the Bowdoin area of Phillips and Valley Counties, Montana, to Petitioner's general system. Petitioner states that by order issued May 11, 1977, the Commission authorized the Bowdoin exchange. Petitioner asserts that pursuant to its gas purchase contract with W. A. Moncrief, Grand Woods Petroleum Corporation dated July 7, 1976, Petitioner acquired interest in gas produced from the Powell II Unit in Converse County, Wyoming. Petitioner states that it entered into a precedent agreement with KN on August 9, 1979,

<sup>1</sup>This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.



providing for the amendment of the Bowdoin exchange agreement, so as to add as a new delivery point, the existing interconnection between Northern Utilities, Inc.'s (Northern) intrastate North line and KN's Casper, Wyoming, compressor plant, to enable it to transport the Powell II unit gas into its system. Petitioner further states that this would allow the use of excess Powell II gas to help satisfy its redelivery obligation under the Bowdoin exchange agreement. Petitioner estimates that such amendment would free up a portion of its current general system supply up to 1,127,000 Mcf.

Petitioner states that under the proposed amendment, Northern would transport the Powell II gas or volumes equivalent thereto from its point of receipt to a point at or near KN's Compressor Plant pursuant to Section 311 of the Natural Gas Policy Act of 1978. Petitioner further states that the transportation charge which it would pay to Northern for delivery of the Powell II volumes would be passed through directly to KN, as provided in the precedent agreement between Petitioner and KN dated August 9, 1979.

Petitioner further seeks authorization to use in interstate commerce its six-inch pipeline, which connects the Powell II Unit with the facilities of Northern and which has previously been used solely to transport gas in intrastate commerce, to deliver the Powell II gas to Northern for the account of KN.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before December 6, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-35352 Filed 11-15-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket Nos. EL78-24, EL78-37]

**Municipal Electric Utilities Association of the State of New York v. Power Authority of the State of New York and Village of Ilion, New York v. Power Authority of the State of New York; Order Granting In Part and Denying In Part Motions for Summary Disposition, Providing for Expedited Hearing, and Consolidating Proceedings**

November 2, 1979.

The Municipal Electric Utilities Association of the State of New York (MEUA), the Village of Ilion, New York, and the Connecticut Municipal Electric Energy Cooperative (CMEEC) have filed complaints or petitions for declaratory orders concerning certain of the Power Authority of the State of New York's (PASNY) acts and practices related to Articles 20 and 21 of the license issued to PASNY for the Niagara Project No. 2216.<sup>1</sup> These articles concern the preference to be given to public and non-profit entities in allocating project power. Both articles were included in the license at the express direction of Congress in the Niagara Redevelopment Act ("NRA")<sup>2</sup> and are essentially verbatim restatements of the statutory provisions.<sup>3</sup> Because the complaints and

<sup>1</sup> 19 F.P.C. 186 (1958).

<sup>2</sup> 16 U.S.C. 836(b) (1) and (2) (1976).

<sup>3</sup> Articles 20 and 21 provide:

*Article 20.* In order to assure that at least 50 per centum of the project power shall be available for sale and distribution primarily for the benefit of the people as consumers, particularly domestic and rural consumers, to whom such power shall be made available at the lowest rates reasonably possible and in such manner as to encourage the widest possible use, the Licensee in disposing of 50 per centum of the project power shall give preference and priority to public bodies and non-profit cooperatives within economic transmission distance. In any case in which project power subject to the preference provisions of this article is sold to utility companies organized and administered for profit, the Licensee shall make flexible arrangements and contracts providing for the withdrawal upon reasonable notice and fair terms of enough power to meet the reasonably foreseeable needs of the preference customers.

*Article 21.* The Licensee shall make a reasonable portion of the project power subject to the preference provisions of Article 20 available for use within reasonable economic transmission distance in neighboring States, but this article shall not be construed to require more than 20 per centum of the project power subject to such preference provisions to be made available for use in such States. The Licensee shall cooperate with the appropriate agencies in such States to insure compliance with this requirement. In the event of disagreement between the Licensee and the power-marketing agencies of any of such States, the Federal Power Commission may, after public hearings, determine and fix the applicable portion of power to be made available and the terms applicable thereto: *Provided*, That if any such State shall have designated a bargaining agency for the procurement of such power on behalf of such State, the Licensee shall deal only with such agency in that State. The arrangements made by the Licensee for the sale of power to or in such States shall include observance of the preferences in Article 20.

petitions of MEUA and Ilion raise related questions of law and fact, we are consolidating them for consideration in a single proceeding.

In addition, CMEEC has filed a Protest, Petition to Intervene, Petition for Declaratory Order, and Motion for Consolidation. CMEEC is concerned with allocation of project preference power to out-of-state preference customers. We have concluded that the relief CMEEC requests is not yet ripe for Commission action. In any event, the issues CMEEC presses are sufficiently distinct from the matters raised by MEUA and Ilion that they should be treated in a separate proceeding, if necessary. By this order, however, we are requiring PASNY to take action on out-of-state power allocations by the end of this year.

**Complaints of MEUA and Ilion**

MEUA identifies itself as an organization of New York municipalities and rural electric cooperatives entitled to preference under Article 20 of the Project No. 2216 license and Section 1(b)(1) of the NRA. Ilion is a member of MEUA. Their complaints are founded upon the contentions that preference entities are entitled to at least 50 percent of project power under Article 20, and that PASNY's contracts for sale of project power to its non-preference customers must provide for withdrawals sufficient to meet the needs of preference entities, as those needs develop, up to that 50 percent "floor." They further contend that PASNY is making available to preference entities a total of only 600 MW of project power, including the power that PASNY has withdrawn from non-preference customers, which is far less than the required 50 percent.<sup>4</sup>

PASNY has now withdrawn and allocated to preference entities all of the project power explicitly withdrawable under its contracts with non-preference customers, which do not expire until 1990, and contends that those contracts comply with Article 20 and no more project power may be allocated to preference customers until they expire. MEUA and Ilion ask us to declare that PASNY must continue withdrawing power from its non-preference

<sup>4</sup> In State of Vermont Public Service Board v. PASNY, Docket No. E-8746, Order Affirming Initial Decision (March 12, 1978), the Federal Power Commission found that "project power" means not just firm power, but includes all of the various categories of power marketed by PASNY from the Niagara Project (*mimeo*, at 13-15). In its complaint, MEUA states that according to PASNY, the nameplate rating of Project No. 2216 is 2190 MW, the normal peak net capability is 2615 MW, the dependable capacity is 2400 MW, and 1800 MW is allocated as firm power.

customers as necessary to meet the developing needs of preference entities, until preference entities are receiving 50 percent. MEUA also states that PASNY has announced its intention to meet additional preference customer load growth from its Fitzpatrick nuclear power plant and to begin charging on that basis on October 28, 1979. For that reason, MEUA requests expedited consideration and summary disposition of its complaint and petition.<sup>5</sup>

As an additional matter, MEUA and Iliion assert that PASNY has been refusing to allocate any additional available project power to preference entities for the purpose of serving certain industrial loads.<sup>6</sup> Iliion specifically requests that we require PASNY to allocate sufficient power to Iliion to meet all of its needs, including about 7,000 kW to serve the Remington Arms Company,<sup>7</sup> until the combined preference loads reach the 50 percent level. MEUA and Iliion argue that PASNY's determination to withhold allocations for new industrial load violates the NRA and Article 20 of its license. They also maintain that this determination violates federal antitrust laws because it constitutes an illegal conspiracy with its transmission agents<sup>8</sup> in restraint of trade and an illegal refusal to deal by PASNY, which has monopoly control over hydroelectric projects on the Niagara River and the St. Lawrence Seaway.

#### Preference and Withdrawals Under Article 20

Article 20 of the license and 16 U.S.C. 836(b)(1) provide:

[I]n disposing of 50 per centum of the project power (PASNY) shall give preference and priority to public bodies and non-profit cooperatives within economic transmission distance. In any case in which project power subject to (these) preference provisions \* \* \*

<sup>5</sup>MEUA also requests that we issue an order "restraining PASNY from charging nuclear rates for preference customers." Inasmuch as the Commission does not regulate PASNY's rates, this request for relief will be denied.

<sup>6</sup>Those loads comprise industrial customers within a preference entity's service area currently generating their own power or served by another utility and new industrial customers which are annexed to the preference entity's franchise area solely for the purpose of acquiring additional industrial load.

<sup>7</sup>Remington is currently served by Niagara Mohawk Power Corporation.

<sup>8</sup>Niagara Mohawk, New York State Electric and Gas Corporation, and Rochester Gas and Electric Corporation, all intervenors in this proceeding. Other parties granted intervention are CMEEC; the Massachusetts Municipal Wholesale Electric Company; Consolidated Edison Company; the Borough of Lansdale, Pennsylvania; the Carborundum Company; and the City of New York. In addition, the Public Service Commission of the State of New York and the Public Service Board of Vermont filed notices of intervention.

is sold to utility companies organized and administered for profit, (PASNY) shall make flexible arrangements and contracts providing for the withdrawal upon reasonable notice and fair terms of enough power to meet the *reasonably foreseeable* needs of the preference customers, [Emphasis added.]

PASNY is not currently allocating 50 percent of project power to preference customers, nor do its contracts with non-preference utilities explicitly provide for withdrawal of any more project power to meet preference customer needs.<sup>9</sup> Nonetheless, PASNY contends that its contracts with non-preference customers fully accord with Article 20 and are justifiable under the "reasonably foreseeable" clause. It maintains that during the 1960-62 period when it was negotiating long-term contracts for power sales, provisions were made for the withdrawal of enough power to meet preference customers' needs reasonably foreseeable *at that time* as developing over the lives of the contracts. PASNY argues that although later events (citing especially the more recent precipitous rise in the costs of alternative power sources) have resulted in preference customer needs for project power beyond what was reasonably foreseeable in 1960-62, that does not mean that PASNY violated Article 20 or that the long-term contracts it entered into are inconsistent with the license or the NRA.<sup>10</sup> In contrast, MEUA asserts that Article 20 requires PASNY to

<sup>9</sup>Although PASNY's contracts with non-preference customers for Niagara Project power do not expire until January 1, 1990, PASNY maintains that it will be able to provide additional preference power to preference customers in 1985, when its contracts with non-preference customers for sale of power from the St. Lawrence Project No. 2000 expire. PASNY stated that the rates for Niagara and St. Lawrence power are identical, suggesting that St. Lawrence power can therefore be substituted for Niagara power to meet the needs of preference customers in the 1985-1990 period.

<sup>10</sup>PASNY also argues that we should dismiss this matter for the same reasons expressed in our June 8, 1979, order dismissing its petition for declaratory order interpreting a contract that incorporated Article 22 of the Project No. 2216 license by reference. In that proceeding we deferred to the courts where proceedings were pending to interpret that contract, because the interpretation did not involve our special technical expertise, any need for uniformity of interpretation, or a matter important to our regulatory responsibilities. Here, we are faced with an allegation that a licensee is violating the terms of its license, and the resolution necessarily demands interpretation of license Article 20. This is a matter central to our responsibilities under the Federal Power Act to see that the licensee observes the terms and conditions of its license and to investigate complaints of violations. Moreover, factual determinations concerning the technical questions of what power needs of preference customers may have been reasonably foreseeable at particular times come within our special expertise. Consequently, our June 8 order is inapposite and we reject PASNY's request for dismissal based upon it.

structure its non-preference power sales contracts to permit the withdrawal of enough power to meet whatever preference customers' needs have become reasonably foreseeable *at the time of withdrawal*, until a total allocation of 50 percent of project power to preference customers is reached. In other words, MEUA urges that at all times 50 percent of project power must be allocated or withdrawable for allocation to preference customers. We conclude that PASNY's interpretation of Article 20 and the statute correctly reflects the intent of Congress.

The preference provisions of the NRA, incorporated into the license for the Niagara Project as Articles 20 and 21, represent a compromise between two conflicting positions on preference policies. On the one hand, Congress was being urged in 1957 to include in the NRA what has been termed a "federal type" preference provision. As exemplified in S. 512, 85th Cong., 1st Sess. (1957), the provision required PASNY to

make flexible arrangements and contracts for the disposition of project power to utility companies organized and administered for profit, with suitable provisions in such contracts for the withdrawal upon reasonable notice and fair terms of enough power to meet the needs of the foregoing classes of preference customers.

The legislative history cited in the pleadings shows that it was generally accepted that incorporation of the federal type preference provision of S. 512 would have required PASNY to keep all project power available to meet preference entities' needs as they arose. Any power sales contracts with non-preference customers would have had to have been subject to withdrawal as necessary to meet the continuing needs of preference customers as they arose.

PASNY opposed the preference provision of S. 512. PASNY argued that the provision would adversely affect its ability to sell bonds to finance the Niagara Project, because non-preference utilities would be unwilling to contract for withdrawable power at a price that would support payments on the bonds. PASNY was also clearly concerned that an unlimited federal type preference provision would have required it to sell a large share of the project power to preference entities outside the State of New York. S. 512 was sponsored by Senator Clark of Pennsylvania and supported by other congressmen and senators from Pennsylvania and Ohio, who, throughout the seven years when legislation concerning the Niagara Project was under consideration by Congress, sought to secure as large a share of project power for their states as



possible. They favored the broad preference provisions of S. 512, for it was known that the needs of New York preference entities were then small relative to the size of the proposed project and the needs of out-of-state preference entities.<sup>11</sup>

PASNY favored the preference language included in another bill before Congress introduced by Senators Ives and Javits of New York, S. 1037, 85th Cong., 1st Sess. (1957). The preference provision of S. 1037, § 3(f), merely directed the Federal Power Commission to include in a license for the Niagara Project

a provision that a reasonable amount of the power \* \* \* be allocated for the present and *reasonably foreseeable* future needs of rural electric cooperatives and municipalities in the project's economic market area. [Emphasis added.]

This provision, with quite general standards like "reasonable amount" and "in the project's economic market area", was clearly designed to give PASNY maximum discretion to limit the amount of power it would be required to deliver out-of-state. By its terms, the provision could have been met by a one-time determination of the "reasonable amount" to be allocated to preference entities. By implication, PASNY would have been able to sell all the rest of the project power to non-preference utilities with no provisions for withdrawal. The part of the "reasonable amount" that represented "reasonably foreseeable future needs" of preference customers when the one-time determination was made implicitly could be sold to non-preference entities on a withdrawable basis subject to the developing needs of preference customers.

The disagreements over the applicability of Federal preference policy and the availability of Niagara power outside of New York threatened to continue to delay construction of the Niagara Project. Therefore, following hearings on S. 512 and S. 1037, the Senate Committee on Public Works reported out a compromise bill, S. 2046, S. Rep. No. 539, 85th Cong., 1st Sess. (1957). H.R. 8643, identical to S. 2046, was then introduced and thereafter enacted by Congress.

PASNY and MEUA, while agreeing that the preference provisions of the Act represent a compromise, disagree over where Congress struck the balance. PASNY complains that MEUA's interpretation deprives the phrase "reasonably foreseeable" in Article 20 of all meaning. MEUA alleges that PASNY's interpretation ignores the

compromise and follows the terms of S. 1037, which was not enacted.

As part of the compromise, Congress plainly gave PASNY discretion to sell 50 percent of the project power to non-preference customers with no provisions for withdrawal, regardless of the needs of preference customers. The other 50 percent of project power just as clearly was made subject to a preference for public bodies and non-profit cooperatives within economic transmission distance. The question remains, however, whether the preference for 50 percent of project power is the "absolute federal type" preference that MEUA maintains it is. We think not.

MEUA's support for its position consists of references to several statements in the House and Senate reports on the compromise bill. Those statements, however, go to the amount of project power that was subject to the bill's preference provision—i.e., 50 percent—and shed no light on the time when and manner in which preference power that preference customers could not use at any particular time would subsequently be made available to them.

MEUA also suggests that the "reasonably foreseeable" language simply means that, when PASNY gives a notice of withdrawal to a non-preference customer, the amount to be withdrawn should be that amount "reasonably foreseeable" at the time of the notice to be needed when the withdrawal actually occurs. We believe this interpretation to be unduly strained. When a notice of withdrawal is given, it obviously would be based upon the anticipated preference customer needs at the time the actual withdrawal would occur. We see no difference between MEUA's interpretation and language which would simply say:

the licensee shall make flexible arrangements and contracts providing for the withdrawal upon reasonable notice and fair terms of enough power to meet the needs of the preference customers.

That would be the same as the language of the "absolute federal type preference" in the rejected S. 512, which provided for "withdrawal upon reasonable notice and fair terms of enough power to meet the needs of the . . . preference customers."<sup>12</sup> MEUA's interpretation

<sup>11</sup> Similarly, in statutes where Congress has provided an absolute "federal type" preference, requiring that preference power contracted to be sold to non-preference customers be continuously withdrawable to meet preference customer needs, it has not used the qualifying phrase "reasonably foreseeable." Instead, it has used relatively simple language typified by section 5 of the Flood Control Act of 1944: "Preference \* \* \* shall be given to public bodies and cooperatives." 16 U.S.C. § 825s.

thus trivializes the words "reasonably foreseeable" and renders them surplusage.

We believe that by including the words "reasonably foreseeable" Congress intended them to have real meaning. And because these words are taken from S. 1037, the bill drafted to minimize PASNY's preference power obligations, we conclude that they were intended to further the purpose of improving PASNY's ability to market project power to non-preference customers on a non-withdrawable basis, in order to enhance its financing capability for the project. As we view section 1(b)(1) of the NRA and Article 20, the natural reading is that PASNY must assess the reasonably foreseeable needs of preference customers at the time that it contracts to sell preference power to a non-preference customer. Then it is only obliged to provide for withdrawal of enough power to meet those needs. The preference power that is not reasonably foreseen to be necessary for preference customers during the life of the contract can then be sold to the non-preference customer on a non-withdrawable basis, thus improving the price that PASNY can command for that power.

Congress was apparently unwilling, however, to go as far as S. 1037 would have in simply making a one-time determination of the "reasonably foreseeable" needs of preference customers. Instead, the compromise bill enacted struck a balance which provided greater protection to preference customers for unanticipated future demand growth. Thus, as we read the Niagara Redevelopment Act in Article 20 of PASNY's license, they contemplate that "in any case" in which PASNY contracts for sale of preference power to non-preference customers, it must estimate what needs of preference entities are then "reasonably foreseeable" over the life of the contract; determine what amount of power is already withdrawable to meet the anticipated growth; and provide in the contract for withdrawal of any incremental amount of preference power necessary to meet the estimated preference needs. This preference provision, re-operative every time power sales contracts expire and new contracts are entered into, is a far different requirement from the single allocation called for by S. 1037. Contrary to MEUA's argument, therefore, PASNY's interpretation of the statute and Article 20, which we conclude is correct, does not "result in a statute no different in operative effect than S. 1037."

<sup>12</sup> E.g., 103 Cong. Rec. 13152 (1957) (remarks of Senator Clark).

If PASNY's contracts with non-preference customers for Niagara Project power did provide for withdrawal of enough power to meet the needs of preference customers reasonably foreseeable when the contracts were entered, then it is not in violation of Article 20 of its license and preference entities must wait until those contracts expire to gain access to more preference power from the project. Public bodies and non-profit cooperatives will then have an opportunity to exercise their preference for up to 50 percent of project power. At the same time, PASNY will have to reassess how much of the remaining preference power (if there is any) would be necessary to meet the then reasonably foreseeable needs of preference customers over the lives of contracts to sell that remaining preference power.

We grant MEUA's motion for summary disposition of this matter to the extent that it requires interpretation of the Niagara Redevelopment Act and Article 20. Our determination, however, does not dispose of the entire question of compliance with Article 20 because there are factual matters in dispute. PASNY contends that its contracts with non-preference customers adequately provided for withdrawal of enough power to meet the needs of preference customers that were reasonably foreseeable in 1960-1962. MEUA and Iliion (by reference to MEUA's pleadings) contest PASNY's position. This factual issue cannot be disposed of summarily,<sup>13</sup> and will be set for an expedited evidentiary hearing. The hearing should consider what needs of preference customers were reasonably foreseeable over the lives of the contracts with non-preference customers when they were entered; and, if the several contracts do not provide for withdrawals sufficient to meet those needs, how each should be reformed to provide for the additional withdrawals needed to comply with Article 20 and the Niagara Redevelopment Act.<sup>14</sup> The hearing need not consider how any necessary additional withdrawals should be allocated among the various preference customers, since that is a

matter generally subject to PASNY's reasonable discretion.<sup>15</sup>

There is another issue, not raised by any of the parties, but related to the questions of statutory construction and reasonable foresight discussed above, that we wish to have addressed in this first phase of the hearing. That issue concerns the reasonableness of the term or duration of the contracts between PASNY and the investor-owned utilities. For example, if PASNY has signed contracts whose terms were coincident with the useful life of the projects, and has reserved the right to withdraw something less than all the power covered by the preference clause, PASNY would have implemented by contract the one-time estimate provision embodied in S. 1037 and rejected by the Congress. On the other hand, a holding that contracts with withdrawal clauses covering less than all preference power could be for no longer than a utility's planning horizon in 1960—which presumably would be the primary basis for determining a fair and reasonable notice provision for the withdrawal of contract power—would effectively implement the provisions of S. 512 in this regard. This approach was also rejected by the Congress. In between these two extremes, however, is considerable territory that we believe deserves exploration. Specifically, was it necessary or at least highly desirable that PASNY contract for 30 years without complete withdrawal rights in order for PASNY to get favorable prices for project power, in turn enabling PASNY to market its bonds at a favorable price? Did PASNY know or should it have known in 1960 (without the dubious benefit of the experience of the 1970's) that it was impossible to forecast power demands for 25 or 30 years, particularly in light of the unpredictability of the creation of new municipal systems in New York? If so, why? In short, we believe that the term of PASNY's contracts deserves consideration in light of both the statutory interpretation adopted in this order and the requirement that preference power for which there was a reasonably foreseeable need be

reserved as withdrawable "in all cases" where such power was sold under contract with investor-owned utilities.

We will leave the specific procedures for most effectively and fairly expediting this phase of the hearings to the sound discretion of the presiding administrative law judge, who is directed to convene a prehearing conference within 10 days of this order. The presiding judge is also directed to commence the actual evidentiary hearing no later than 60 days from the date of this order, but should make every effort to commence it as soon as practicable before that date. If it becomes apparent to the presiding judge that this 60-day deadline cannot be met, the judge should immediately report to the Commission, stating the reasons why the time cannot be met and a recommendation for the earliest practicable hearing date consistent with those reasons. Unless the Commission then acts to move the hearing date forward, the hearing shall commence on the recommended date. In any event, every effort should be made to resolve any outstanding issues in this expedited phase of the proceeding as soon as possible, consistent with the dictates of due process.

#### Allocations to Preference Customers for New Industrial Load

As explained above, MEUA and Iliion allege that PASNY refuses to allocate project preference power to preference customers to serve new industrial load. They contend that this practice violates the Niagara Redevelopment Act and Article 20 and is also an illegal conspiracy in restraint of trade and refusal to deal. PASNY's responses to these allegations characterize the problem as one of deciding how a limited supply of preference power should be allocated among preference customers. PASNY cites *City of Santa Clara v. Andrus*, 572 F.2d 660 (9th Cir.), *Cert. denied*, 99 S. Ct. 176 (1978). The court there held that there was nothing in the applicable reclamation statutes limiting the discretion of the Secretary of the Interior to discriminate against some preference entities in favor of others in allocating power from a Federal reclamation project. 572 F.2d at 666-68. PASNY argues that the Act's preference provisions are similar to those in the reclamation statutes considered in *Santa Clara*, and that PASNY's allocation decisions among preference entities are similarly unreviewable, by a court or by the Commission.

We believe PASNY does have reasonable discretion, within the limits of its license, the Niagara

<sup>13</sup> Although MEUA has requested summary disposition of this issue, Iliion and intervenors claiming to be preference customers, whose interests parallel MEUA's, have not joined in that request. Iliion has requested an evidentiary hearing. Therefore, we cannot simply assume the facts to be as PASNY has stated.

<sup>14</sup> PASNY's ability to contract for the sale of Niagara Project power is circumscribed by the terms of its license, the Federal Power Act, and the Niagara Redevelopment Act.

<sup>15</sup> Of course, the Commission has general authority under Parts I and III of the Federal Power Act to ascertain whether PASNY's actions comply with its license and the provisions of the Federal Power Act. In addition, the Commission has authority under Article 21 of the license to determine the amount of power to be allocated to out-of-state preference customers, if there is a dispute between PASNY and an out-of-state power marketing agency. See *State of Vermont Public Service Board v. Power Authority of the State of New York*, Docket No. E-8748, Order Affirming Initial Decision (issued Mar. 12, 1978) (*mimeo* at 15-16).

Redevelopment Act, and the Federal Power Act, in allocating available preference power among preference customers. Moreover, since the stated purposes of Article 20 and Section 1(b)(1) of the Niagara Redevelopment Act is to assure the availability of project power to "the people as consumers, particularly domestic and rural consumers," it may well be reasonable for PASNY to subordinate preference customers seeking additional preference power only to serve new industrial load already served by power from another source. But licenses under the Federal Power Act are issued on condition that anticompetitive combinations and arrangements are forbidden, 16 U.S.C. 803(h). If the purpose of PASNY's marketing practice can be shown to be anticompetitive, then PASNY is in violation of its license condition under Section 10(h) of the Federal Power Act.

We do not read *Santa Clara* as precluding our investigation of this matter. *Santa Clara* was based on the court's finding that there was no law to apply in evaluating the Secretary of the Interior's decisions, so there was in effect nothing for a court to review, *Id.* Whether or not the Niagara Redevelopment Act's preference provisions are similar to those in *Santa Clara*, PASNY's argument ignores the fact that the license for the Niagara Project is not based merely on that Act, but also on the Federal Power Act. Section 10(h) of the latter act provides the necessary statutory standard against which PASNY's practice may be judged, unlike the circumstances in *Santa Clara*.

These matters cannot be resolved, however, without the development of a factual record, and thus the Commission will not grant summary relief. Here, MEUA and Ilion have sufficiently defined their allegations so that the issue should not be dismissed without affording them an opportunity to lay the factual predicate for those allegations; but their pleadings are still relatively general, and they must go beyond generalizations and carry the burden of proof to support their contentions.<sup>16</sup> In

<sup>16</sup> See *Indiana & Michigan Electric Company*, Docket No. E-7740, 49 F.P.C. 1232 (1973). We also note that, although MEUA's and Ilion's allegations are couched in terms of violations of the antitrust laws, the Commission has no power to adjudicate antitrust violations as such. See, e.g., *Pacific Gas & Electric Co., Projects Nos. 2735 and 1988*, Order Granting Intervention and Providing for Hearing (issued Apr. 1, 1976) (*mimeo* at 11 n. 21), citing *California v. FPC*, 369 U.S. 482, 488 (1962). In considering matters before us, such as compliance with Section 10(h) of the Federal Power Act, however, we have the responsibility to take into account the public policies expressed in the antitrust laws. *Id.* at 10 n. 17 and accompanying text.

this respect, we believe this proceeding would be facilitated by a procedure like that prescribed by the Presiding Administrative Law Judge in *Pacific Gas & Electric Company, Projects Nos. 2735 and 1988* (transcript at 58-59, Aug. 10, 1976). Accordingly, we are requiring MEUA and Ilion to file preliminary statements setting forth in greater detail their specific allegations of anticompetitive behavior, the evidence intended to be adduced to prove the allegations, the specific sections or parts of any statute, regulation, order, or other provision (in addition to Section 10(h) of the Federal Power Act) with which the alleged behavior is inconsistent, the specific relief that is requested,<sup>17</sup> and the precise authority under which the Commission may grant that relief. (PASNY or other participants may move for summary disposition, if they believe it warranted, after those statements have been filed.) Because proceedings involving allegations of anticompetitive behavior can be very complex and time consuming, however, the Presiding Administrative Law Judge should conduct the hearings on this matter as a separate phase of this proceeding. And, while the separate phases may proceed concurrently, priority should be given to resolution of the phase involving the reasonably foreseeable needs of preference customers. The anticompetitive behavior phase should not be permitted to interfere with expeditious resolution of the reasonably foreseeable needs phase.

#### CMEEC's Pleading

Section 1(b)(2) of the Niagara Redevelopment Act and Article 21 of PASNY's Project No. 2216 license require it to make a "reasonable portion" of the 50 percent preference portion of project power available for use outside of New York. These provisions also state, however, that this requirement "shall not be construed to require more than 20 per centum of the project power subject to such preference provisions to be made available for use in [other] States." Article 21 and the Act also provide that, in the event of a disagreement between PASNY and an out-of-state power marketing agency, the Commission may determine the amount and terms of out-of-state preference power allocations.

Prior to 1976, PASNY had been allocating only 180 MW of Niagara Project power to out-of-state preference

<sup>17</sup> To the extent that available preference power has already been fully allocated among preference customers, this may require withdrawal of project power allocated to some preference customers as a result of anticompetitive behavior and reallocation to others.

customers. That amount represented 10 percent (*i.e.*, 20 percent of 50 percent) of 1800 MW of firm power that PASNY maintained was the only portion of project power subject to the preference provisions of Article 20. In Docket No. E-8746,<sup>18</sup> the Commission affirmed an initial decision determining that all categories of project power and energy—not just the 1800 MW that PASNY designated as firm power—were subject to the preference provisions in Articles 20 and 21 and the Niagara Redevelopment Act.<sup>19</sup> In affirming the Presiding Judge, the Commission ordered PASNY to make a reasonable portion of all kinds of project power, up to 10 percent, available to out-of-state customers.

Subsequently, PASNY solicited applications from out-of-state preference entities for project power, held hearings on proposed contracts and, on December 6, 1977, submitted the proposed contracts to the Governor of New York for approval under the New York Public Authorities Law § 1009 (McKinney 1970 & Supp. 1978-79). In the meantime, CMEEC, which is a non-profit body designated by the State of Connecticut to seek power from PASNY, had filed an application for allocation of power from both the Niagara Project and PASNY's St. Lawrence Power Project No. 2000. In September of 1977, CMEEC had also filed with the Commission a complaint that PASNY was improperly refusing to allocate Niagara and St. Lawrence power to CMEEC. The complaint asked the Commission to determine the total amount of power (capacity and energy) available from each project; the allocation of each kind of power to out-of-state preference entities; the definition of "preference customer" for each project; and the terms and conditions of sales to out-of-state preference customers. In February of 1978, the Governor of New York disapproved PASNY's proposed contracts and remanded the matter to PASNY for reconsideration. Shortly thereafter, CMEEC petitioned to withdraw its complaint, citing the

<sup>18</sup> *State of Vermont Public Service Board v. Power Authority of the State of New York*, Order Affirming Initial Decision (issued Mar. 12, 1978).

<sup>19</sup> The additional categories for project power and energy PASNY was then marketing included 80 MW of firm power made possible by load diversity of New York preference customers; 200 MW of firm peaking power; 200 MW of peaking power delivered on an "as available" basis and withdrawable; and "peaking interchange" power made available in peak hours by diverting into a storage reservoir in off-peak hours. Docket No. E-8746, Presiding Administrative Law Judge's Initial Decision in Complaint Proceeding (May 15, 1975) (*mimeo* at 21-31, 37).

Governor's action, and on April 5, 1978, the Commission granted the petition and terminated the proceeding (Docket No. E-9609).

Along with its petition to intervene in Docket No. EL78-24, CMEEC has submitted a petition for declaratory order and a motion to consolidate that petition with MEUA's complaint. CMEEC's petition for declaratory order asks us to decide: the total amount of Project No. 2216 power; how much of the total is "assignable" to preference customers within economic transmission distance; what is a "bonafide preference customer" under the Niagara Redevelopment Act; and how preference power should be allocated among "bonafide" in-state and out-of-state preference customers. The essence of CMEEC's concerns on these matters is that PASNY is not allocating enough project preference power to out-of-state customers in the aggregate; and that PASNY has not allocated any project power to CMEEC in particular. We shall deny CMEEC's petition and motion for several reasons.

Initially, we note that CMEEC has shown no relationship of the question of what is a "bonafide" preference customer to any issue in these dockets, or even any reason why this question should be decided at all. On its face, this question appears to be one which is not well-suited to decision on a generic basis in a declaratory order, but rather on the basis of particular analysis of a particular customer.<sup>20</sup> Moreover, none of the three other general questions CMEEC raises in its petition appears to be related to the phase of this proceeding concerning allegations that PASNY has engaged in anticompetitive behavior by refusing to allocate power to preference customers to serve new industrial load. We turn then to their relationship to the other phase.

The central question in the expedited phase of this proceeding is what needs of preference customers were reasonably foreseeable when PASNY made its contracts for sales to nonpreference customers. The total amounts of various categories<sup>21</sup> of

project power—and thus the 50 percent of each that would constitute preference power<sup>22</sup>—may be relevant and material in litigating the specific relief sought in the expedited phase. Those amounts define the "ceilings" on the portions of the various categories of power that must be withdrawable to meet the reasonably foreseeable needs of the preference customers, and thus might affect the relief available. It is not clear that those amounts have been sufficiently determined for that purpose by the Initial Decision the Commission adopted in *Vermont PSB v. PASNY*, *supra*. To the extent that they have not been, but prove relevant and material to the specific relief sought in the expedited phase, CMEEC will have the opportunity as an intervenor to protect any interests it may have in determining those amounts. We conclude, however, that we should not introduce any unnecessary delay in that expedited phase by consolidating matters, like CMEEC's questions about total and preference power in the various power categories, that may not need to be litigated there.

Finally, the question of how preference power should be allocated among preference customers both within New York and outside the state is not sufficiently related to the issue of reasonably foreseeable needs in this proceeding. This proceeding's expedited phase may have to explore how project power may need to be reallocated from the various non-preference customers to preference customers *as a class*, or to in-state preference customers as a subclass and out-of-state customers as a subclass.<sup>23</sup> Questions about allocations to particular preference customers, however, are normally matters for PASNY's reasonable discretion, subject to the Commission's authority to review compliance with the terms and conditions of the license and the Federal Power Act and to resolve disputes between PASNY and out-of-state preference customers. If, as a result of the expedited phase of this proceeding, we determine that certain amounts of project power must be reallocated from non-preference to preference customers, PASNY will then have to reallocate the prescribed amounts among the preference customers. At this point, whether there will have to be any

reallocation and whether any PASNY-proposed distribution among preference customers would be disputed are entirely speculative. Consequently, we shall not consolidate with this proceeding CMEEC's request for a declaratory order on allocations among preference customers, which could only delay resolution of the central issue.

We have also concluded that CMEEC's petition for declaratory order with respect to amounts of various categories of project power, amounts of preference power for those categories, and allocations among preference customers should be dismissed as premature. Although styled as a request for a declaratory order, CMEEC's petition is in essence both a complaint that PASNY has not complied with Article 21 of its license and the Commission's March 12, 1976, order in Docket No. E-8746 requiring PASNY to make available to out-of-state preference customers a reasonable portion of all project power up to 10 percent; and a request for the Commission to resolve under Article 21 a disagreement between PASNY and CMEEC over allocation of out-of-state preference power. It is true that PASNY has not yet complied with the terms of the March 12, 1976, order and thus has not yet fulfilled the requirements of Article 21. The 1976 order, however, did not set a deadline for compliance, and PASNY did make one subsequent attempt to allocate out-of-state preference power that was disapproved and remanded by the governor. PASNY has not yet recommended any new allocation to the governor; but it has submitted and held hearings on proposed contracts for a new allocation pursuant to New York Public Authorities Law § 1009 (McKinney 1970 & Supp. 1978-79).

CMEEC acknowledges that resolution of the questions it raises and its anticipated dispute with PASNY over out-of-state allocations could wait until PASNY's "second determination" has been made (subject, of course, to action by the governor). PASNY notes in response that there may be no dispute between it and CMEEC, depending upon its and the governor's actions on out-of-state allocations. CMEEC, however, argues that a dispute over the out-of-state allocation is "virtually inevitable."

We reject PASNY's additional argument that there can be no "disagreement" within the meaning of Article 21 between it and a power marketing agency until it and the governor have finally acted to allocate out-of-state preference power. Such an interpretation would render Article 21

<sup>20</sup> See, e.g., *City of Bountiful*, Docket No. EL78-43, Order Granting Interventions and Setting Briefing Schedule (issued May 3, 1979) (*mimeo* at 2). At one point in its pleading, CMEEC expresses its belief that PASNY has been selling preference power to persons in Vermont other than "bonafide" preference customers. PASNY's sales of project power to Vermont have been to the Vermont Public Service Board, which the Commission has previously found to be a proper preference customer. *Vermont PSB v. PASNY*, *supra*, *mimeo* at 6.

<sup>21</sup> As *Vermont PSB v. PASNY* recognized, it is the various categories of project power that are meaningful, not any overall measure of project power.

<sup>22</sup> In context, we read CMEEC's reference to the amount of project power "assignable to the preference customers" to mean the 50 percent for which public bodies and non-profit cooperatives have preference under Article 20.

<sup>23</sup> Again, CMEEC, as an intervenor, will have an opportunity to participate in the hearing on these questions, to the extent that they need to be litigated here.

and Section 1(b)(2) of the Niagara Redevelopment Act meaningless, because PASNY and the governor could simply avoid our jurisdiction over out-of-state allocations by an endless series of proposals, disapprovals, and remands. We conclude that the licensee's inaction on out-of-state allocations can give rise to a "disagreement" within the meaning of Article 21, just as its action can. PASNY has not taken final action on an out-of-state preference power allocation in the three and one-half years since our order in Docket No. E-8746 or in the 20 months since the governor's remand. Nonetheless, the Commission's order did not set a time certain for PASNY's action, PASNY did develop an out-of-state allocation once, and there are no allegations that it has been acting in bad faith. Moreover, we believe it would be preferable if the governor had approved a definite allocation plan, if possible without undue delay, because it might moot CMEEC's "virtually inevitable" dispute and would better focus any proceeding before this Commission under Article 21.

For these reasons we will dismiss CMEEC's petition for declaratory order and order PASNY to submit to the governor its proposed contracts and recommendations for sale of a reasonable portion of all categories of preference power, up to 10 percent, to out-of-state preference customers, no later than December 31, 1979. Under New York Public Authorities Law § 1009(3) (McKinney 1970 & Supp. 1978-79), the governor must then act on PASNY's proposals within 60 days. If PASNY fails to act within the time prescribed, or if the governor should either fail to act within an additional 60 days or disapprove or remand PASNY's proposals for allocations, then we would entertain an appropriate petition for relief under Article 21 of the license for Project No. 2216 and Section 1(b)(2) of the Niagara Redevelopment Act.

#### *The Commission Orders*

(A) The joint motion of MEUA and Ilion for consolidation of Dockets Nos. EL78-24 and EL78-37 is granted.

(B) MEUA's motions for immediate summary relief are granted in part and denied in part in accordance with the provisions of this order.

(C) Pursuant to the authority contained in the Department of Energy Organization Act and in the Federal Power Act (particularly Sections 4(g), 10(h), 306, 307(a), 308, and 309), and the license for Project No. 2216, a public hearing shall be held in conformance with the Commission's Rules of Practice and Procedure to consider all matters of

fact and law, consistent with the provisions of this order, concerning those issues in Dockets Nos. EL78-24 and EL78-37 not summarily decided in this order.

(D) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge for that purpose, shall preside at the hearing in this proceeding, and shall convene a prehearing conference on the expedited phase of this proceeding, to be held within 10 days of the date of this order, in a hearing room of the Federal Energy Regulatory Commission, 825 N. Capitol Street, NE., Washington, D. C. 20426. The conference shall be held for the purposes of clarification of the positions of the parties, delineation of the specific issues to be litigated, discussion of procedures for expediting the hearing, and establishment by the presiding judge of any procedural dates necessary for the expedited hearing.

Subject to the discussions above in this order, the presiding judge shall commence the evidentiary hearing in the expedited phase of this proceeding no later than 60 days from the date of this order.

(E) No later than 30 days from the date of this order, MEUA and Ilion shall file preliminary statements setting forth in detail: their specific allegations concerning anticompetitive behavior by PASNY with respect to provision or refusal of power to preference customers for serving new industrial load; the evidence intended to be produced to prove the allegations; the specific sections or parts of any statute, regulation, order, or other provision of law with which that behavior is alleged to be inconsistent; the specific relief requested; and the precise authority under which the Commission may grant that relief. The presiding judge shall convene a prehearing conference on this phase of the proceeding after those preliminary statements have been filed.

(F) The motion for consolidation filed by CMEEC in this proceeding is denied and the petition for declaratory order incorporated in CMEEC's petition to intervene in this proceeding is dismissed.

(G) In compliance with ordering paragraph (C) of the Commission's order of March 12, 1976, in Docket No. 3-8746, no later than December 31, 1979, PASNY shall report to the Governor of the State of New York, under New York Public Authorities Law § 1009, its proposed contracts, together with its recommendations and record of public hearings on them, for sales of a reasonable portion of all categories of project preference power up to 10

percent, to out-of-state preference customers.

(H) The Secretary shall promptly publish this order in the Federal Register.

By the Commission.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 79-35340 Filed 11-15-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. RP80-31]

### **National Fuel Gas Supply Corp.; Proposed Changes in Gas Tariff**

November 9, 1979.

Take notice that on November 1, 1979, National Fuel Gas Supply Corporation (National Supply) tendered for filing the following proposed changes in its Gas Tariff, to be effective December 1, 1979:

#### **Original Volume No. 1**

Sixth Revised Sheets Nos. 35, 36, Third Revised Sheet No. 36A and Original Sheets Nos. 36B, 36C, 36D, 43, 44 and 45, superseding Fifth Revised Sheets Nos. 35 and 36 and Second Revised Sheet No. 36A, respectively.

These tariff sheets are issued to comply with the order of the Federal Energy Regulatory Commission, Docket No. RM79-14, dated September 28, 1979, to implement the incremental pricing provisions of the Natural Gas Policy Act of 1978, such that unless otherwise exempted large industrial facilities which burn natural gas as a boiler fuel will be priced for that gas at a level equivalent to the price they would pay for fuel oil which they could burn as an alternative to natural gas.

A copy of this filing was served on the following:

Mercer Gas Company, National Fuel Gas Distribution Corporation, Cook Gas Company, North East Heat & Light Company, The Peoples Natural Gas Company, Public Service Commission of the State of New York, Pennsylvania Public Utility Commission, Public Utilities Commission of Ohio.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C., 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 27, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to



become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 79-35341 Filed 11-15-79; 8:45 am]  
BILLING CODE 6450-01-M

[Docket No. TC80-39]

**North Penn Gas Co.; Tariff Filing Pursuant to Order No. 29**

November 8, 1979.

Take notice that on November 2, 1979, North Penn Gas Company (North Penn) tendered for filing pursuant to Order No. 29 and Section 281.204 of the Commission's regulations, in Docket No. TC80-39, the following sheets to its FERC Gas Tariff, First Volume No. 1:

Second Revised Sheet No. 12A  
Second Revised Sheet No. 12B  
Second Revised Sheet No. 12C  
Second Revised Sheet No. 12D  
Second Revised Sheet No. 12E  
Second Revised Sheet No. 12F  
First Revised Sheet No. 12G  
First Revised Sheet No. 12H  
Fourth Revised Sheet No. 12I  
Original Sheet No. 12J  
Original Sheet No. 12K  
Original Sheet No. 12L  
Original Sheet No. 12M  
Original Sheet No. 12N  
Original Sheet No. 12O

The tendered sheets are proposed to be effective December 1, 1979.

North Penn states the purpose of the filing is to conform North Penn's existing curtailment tariff provisions with the Commission's Regulations promulgated by Order No. 29, issued May 2, 1979, implementing Section 401(a) of the Natural Gas Policy Act of 1978 (NGPA). North Penn also filed copies of the final Report of its Data Verification Committee (DVC). Second Revised Sheet No. 12E provides the definition for "High Priority User" to include any person who uses natural gas in a residence; in a small commercial establishment; in a school or hospital; or for police protection, for fire protection, in a sanitation facility or a correctional facility. "Essential Agricultural Use" is defined as any use of natural gas which is certified by the Secretary of Agriculture as an essential agricultural use under Section 401(c) of the Natural Gas Act of 1978, as identified in 7 CFR Part 2900, *et. seq.* Acceptance of North Penn's sheets would establish the following order of priorities:

- (1) High priority users. (See subsection H., "Definition of Terms").
- (2) Essential agricultural users. (See subsection H., "Definition of Terms").

(3) Large commercial requirements (50 Mcf or more on a peak day); firm industrial requirements for plant protection, feedstock and process needs; Buyers' storage injection requirements; firm industrial requirements up to 300 Mcf per day.

(4) All industrial requirements not specified in (2), (3), (5), (6), (7), (8), (9), or (10).

(5) Firm industrial requirements for boiler fuel use at less than 3,000 Mcf per day, but more than 1,500 Mcf per day, where alternate fuel capabilities can meet such requirements.

(6) Firm industrial requirements for large volumes (3,000 Mcf or more per day) boiler fuel use where alternate fuel capabilities can meet such requirements.

(7) Interruptible requirements of more than 300 Mcf per day, but less than 1,500 Mcf per day, where alternate fuel capabilities can meet such requirements.

(8) Interruptible requirements of intermediate volumes (from 1,500 Mcf per day through 3,000 Mcf per day), where alternate fuel capabilities can meet such requirements.

(9) Interruptible requirements of more than 3,000 Mcf per day, but less than 10,000 Mcf per day, where alternate fuel capabilities can meet such requirements.

(10) Interruptible requirements of more than 10,000 Mcf per day, where alternate fuel capabilities can meet such requirements.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protest should be filed on or before November 19, 1979. Protests will be considered by the Commission in determining the appropriate action to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 79-35330 Filed 11-15-79; 8:45 am]  
BILLING CODE 6450-01-M

[Docket No. CP80-22]

**Northern Natural Gas Co.; Application**  
November 8, 1979.

Take notice that on October 11, 1979, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP80-22 an application pursuant to

Section 3 of the Natural Gas Act for authorization to import up to 200,000 Mcf of natural gas per day and 73,000,000 Mcf of gas per year on a best-efforts basis which gas would be purchased from Consolidated Natural Gas Limited (Consolidated), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that pursuant to a gas sales contract dated February 24, 1979, with Consolidated of Calgary, Alberta, Canada, it would import up to 200,000 Mcf of natural gas per day and 73,000,000 Mcf per year and daily volumes in excess thereof if available on a best-efforts basis commencing November 1, 1980, and continuing through October 31, 1994.

Applicant states that the gas would be delivered by Trans Canada Pipe Lines Limited (Trans Canada) to Great Lakes Gas Transmission Company (Great Lakes) at an existing point of interconnection on the international boundary near Emerson, Manitoba. Great Lakes, it is stated, would redeliver such gas to Applicant at a point of interconnection near Carlton, Minnesota, and/or by mutual agreement of the parties at the points of interconnection between the facilities of Great Lakes and Michigan Wisconsin Pipeline Company near Fortune Lake, Michigan, and Farewell, Michigan. It is further stated that alternate delivery points would be at the point of interconnection of Great Lakes' and Applicant's facilities near Grand Rapids, Minnesota, and Wakefield, Michigan.

Applicant states that the price of the gas would be the international border price, which price currently is \$2.80 (U.S.) per MMBTU.

Applicant requests that it be permitted to include a surcharge in its 1980 PGA rate filing to be effective only during the year 1981 to recover the estimated cost of the purchases from Consolidated to be incurred during November and December 1980. Applicant states that the surcharge is necessary in order for it to avoid the substantial delay until 1982 in collecting approximately \$21 million in purchase gas costs to be incurred during those months as would result under the normal operations of Applicant's Purchase Gas Adjustment Clause.

It is asserted that Consolidated has contracted to purchase the subject gas from Trans Canada which has received authority from the Energy Resources Conservation Board of Alberta concerning Applicant's proposal herein, and Consolidated has filed an application with the National Energy

Board of Canada requesting authority to sell and export gas to Applicant.

Applicant states that the subject gas would enable it to provide adequate and reliable service to its customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 6, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 79-35353 Filed 11-15-79; 8:45 am]  
BILLING CODE 6450-01-M

#### [Docket No. CP80-38]

##### Northern Natural Gas Co.; Application

November 8, 1979.

Take notice that on October 19, 1979, Northern Natural Gas Company (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP80-38 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the installation and operation of one 1,140 horsepower turbine compressor unit at the Egan, Louisiana, Compressor Station, located in Acadia Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Northern states that an estimated 130,000 Mcf of natural gas per day of its Gulf Coast volumes are transported through the "Blue Water System" and delivered onshore by Columbia Gulf Transmission Company. Northern asserts that such volumes are delivered to Trunkline Gas Company (Trunkline) either by compression through Northern's Egan Compressor Station, or by transportation by Tennessee Gas Transmission Company, a Division of Tenneco Inc. (Tennessee) to Trunkline. Northern further states that the present contract maximum with Tennessee for such transportation is 70,000 Mcf per day.

Northern states that its Egan Station, consisting of one 1,250 horsepower single speed electric drive compressor unit which has been in operation since August 1978, is designed strictly for operation at stable suction pressure. Northern asserts that since commencement of operation, irregular suction pressures have occurred occasionally which have caused throughput surge and shut-down of the unit. Northern further states that although Tennessee has been able to assist Northern during periods of shut-down by transporting volumes in excess of 70,000 Mcf per day on a best-efforts basis and although thus far station shut-downs have been of short duration, such efforts cannot be relied upon in the event of an extended outage. Northern asserts that time requirements for the replacement of major components of the electric motor drive, gear box and centrifugal compressor would be excessive, and that such extended outage would expose Northern to considerable production loss from its Gulf Coast reserves.

Northern states that because of these factors, it proposes to install one 1,140 horsepower compressor unit and to operate such facilities as back-up to the 1,250 horsepower electric drive unit, to be utilized in the event of a shut-down of the existing Egan Station unit.

Northern estimates the cost of the proposed additional compressor to be \$1,020,400, which would be financed from cash on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 6, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this

application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 79-35354 Filed 11-15-79; 8:45 am]  
BILLING CODE 6450-01-M

#### [Docket No. CP80-37]

##### Panhandle Eastern Pipe Line Co.; Application

November 8, 1979.

Take notice that on October 19, 1979, Panhandle Eastern Pipe Line Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP80-37 an application pursuant to Section 7(c) of the Natural Gas Act and § 157.7(g) of the regulations thereunder (18 CFR 157.7(g)), for a certificate of public convenience and necessity authorizing the construction and for permission and approval to abandon during the 12-month period commencing April 26, 1980, and operation of field compression and related metering appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to enable Applicant to act with reasonable dispatch in constructing and abandoning facilities which would not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the instant application.

Applicant states that the total cost of proposed construction and abandonment under § 157.7(g) would not exceed \$3,000,000, and no single project would exceed \$500,000. Applicant states that said costs would be financed from funds available to the company.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 6, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and



procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 79-35355 Filed 11-15-79; 8:45 am]  
BILLING CODE 6450-01-M

**[Docket No. ER80-62]**

**Potomac Electric Power Co.; Proposed New Rates and Charges, and Filing of Proposed Settlement Agreement**

November 8, 1979.

The filing company submits the following:

Take notice that Potomac Electric Power Company (Pepco) on October 31, 1979, tendered for filing a new rate schedule to replace in its entirety the expiring fixed-rate agreement between Pepco and its sole resale customer, Southern Maryland Electric Cooperative, Inc. (Smeco). Pepco states that the tendered rate schedule would provide for full requirements service to Smeco after December 31, 1979, when the present agreement expires, and would continue indefinitely subject to change at any time pursuant to Section 205 of the Federal Power Act.

According to Pepco, based on the twelve months ending December 31, 1979 the tendered rate schedule would have provided an \$8,974,000 increase in revenues. Pepco designates January 1, 1980 as the effective date of the new rate schedule.

Pepco and Smeco have concurrently filed a Joint Motion for Acceptance of Settlement Agreement in the same docket, which motion requests the Commission to permit the rates and terms of a new fixed-rate contract executed by Pepco and Smeco and approved by the Rural Electrification Administration to become effective for the three year period commencing January 1, 1979. Pepco and Smeco submit that the new contract represents settlement and compromise of all issues outstanding between the parties in the proceeding commenced by Pepco's concurrent rate filing; that the Settlement Agreement is in the public interest and is a just and reasonable accommodation of the interests of the parties, and that the settlement rates are just and reasonable rates if the Settlement Agreement is made effective in its entirety without suspension; but that the Settlement Agreement is deemed withdrawn, null and void if not permitted to become effective in its entirety without suspension by the Commission.

According to Pepco, based on the twelve months ended December 31, 1979, the Settlement Agreement would have provided a \$4,117,000 increase in revenues, based on present rates and the proposed 1980 rate level. The Settlement Agreement provides a 12% increase in calendar year 1977 plus an additional 4% increase in calendar year 1978 and an additional 2% increase in calendar year 1979. This would produce an 18% cumulative increase in revenues in the third year over what would have been produced by present rates if extended.

Pepco has no similar resale customers or rate schedules. No facilities are to be installed, or modified in order to initiate service under this rate schedule.

A copy of this filing has been served upon Southern Maryland Electric Cooperative and Maryland Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC., 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before December 3, 1979. Protests will be considered by the

Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 79-35331 Filed 11-15-79; 8:45 am]  
BILLING CODE 6450-01-M

**[Docket No. CP72-118]**

**Sea Robin Pipeline Co.; Petition To Amend**

November 8, 1979.

Take notice that on October 22, 1979, Sea Robin Pipeline Company (Petitioner), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP72-118 a petition to amend the Commission's order issued February 7, 1974<sup>1</sup>, pursuant to Section 7(c) of the Natural Gas Act in the instant docket so as to authorize the establishment of a new delivery point under an existing gas transportation agreement between Petitioner and Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Tennessee), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that, under a September 29, 1971, gas transportation agreement with Tennessee, Petitioner transports contract demand volumes of up to 15,000 Mcf per day for the account of Tennessee. Petitioner further states that under an amendatory agreement dated June 28, 1979, it would continue to accept for Tennessee's account up to 14,000 Mcf of gas per day at an existing point of receipt located in East Cameron Block 261 (EC 261) and up to 1,000 Mcf per day at a new point of receipt located in South Marsh Island Block 235 (SMI 235), offshore Louisiana, where Tennessee has acquired a new gas supply from production attributable to the interests of Pello Oil Company. Petitioner states that it would redeliver equivalent volumes to the existing point of redelivery located at the terminus of its system near Erath, Vermilion Parish, Louisiana.

Petitioner states that it would use existing facilities to receive and to make redeliveries of gas hereunder and that, therefore, no new facilities would be required to implement the proposal herein.

<sup>1</sup>This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.0), it was transferred to the Commission.

Petitioner asserts that the proposed new point of receipt would enable Tennessee to take delivery of new supplies of gas for which it has contracted.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before December 6, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C., 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-35356 Filed 11-15-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. RP7858 (3rd PGA-1)]

**South Texas Natural Gas Gathering Co.; Purchased Gas Cost Adjustment Filing**

November 8, 1979.

Take notice that on October 31, 1979, South Texas Natural Gas Gathering Company (South Texas) tendered for filing Original Supplement No. 26 (purchased gas cost adjustment) to Rate Schedule 1 superseding previous purchased gas cost adjustments. South Texas stated that Exhibit A to Original Supplement No. 26 reflected the annualized change in purchased gas costs based on the twelve months ended August 31, 1979. South Texas requested waiver of any Commission regulation which would prohibit implementation of Supplement No. 26. The change in rate provided in Exhibit A to Original Supplement No. 26 includes a decrease in purchased gas costs of 3.14¢/Mcf and a surcharge of negative 22.89¢/Mcf designed to eliminate the balance in the deferred purchased gas account.

The proposed effective date for Original Supplement No. 26 is December 1, 1979. South Texas states that copies of the filing have been served to the only customer served under Rate Schedule 1, Natural Gas Pipeline Company of America.

Any person desiring to be heard or to protest said filing should file a petition

to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 23, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-35332 Filed 11-15-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. RP7858 (3rd PGA-2)]

**South Texas Natural Gas Gathering Co.; Purchased Gas Cost Adjustment Filing**

November 8, 1979.

Take notice that on October 31, 1979, South Texas Natural Gas Gathering Company (South Texas) tendered for filing Original Supplement No. 98 (purchased gas cost adjustment) to Rate Schedule 2 superseding previous purchased gas cost adjustments. South Texas stated that Exhibit A to Original Supplement No. 98 reflected the annualized change in purchased gas costs based on the twelve months ended August 31, 1979. South Texas requested waiver of any Commission regulation which would prohibit implementation of Supplement No. 98. The change in rate provided in Exhibit A to Original Supplement No. 98 includes an increase in purchased gas costs of 5.10¢/Mcf and a surcharge of 2.23¢/Mcf.

The proposed effective date for Original Supplement No. 98 is December 1, 1979. South Texas states that copies of the filing have been served to the only customer served under Rate Schedule 2, Transcontinental Gas Pipe Line Corporation.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 23, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will

not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-35333 Filed 11-15-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-493]

**Southern Natural Gas Co.; Amendment to Application**

November 8, 1979.

Take notice that on October 12, 1979, Southern Natural Gas Company (Applicant), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP79-493 pursuant to Section 7(c) of the Natural Gas Act an amendment to its initial application filed September 20, 1979, in said docket which application proposes to construct and operate approximately 7.8 miles of 8½-inch O.D. pipeline with a wall thickness of .312 inches, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it originally requested authorization for the construction and operation of approximately 7.8 miles of 8½-inch O.D. steel pipeline with a wall thickness of .312 inches and necessary appurtenances to connect Gulf Oil Exploration and Production Company's well located in Block 51, Chandeleur Sound Area, St. Bernard Parish, Louisiana, to Applicant's existing 6½-inch Eloi Bay pipeline in St. Bernard Parish, Louisiana.

Applicant proposes herein to construct and operate approximately 7.8 miles of 8½-inch O.D. pipeline with a wall thickness of .250 inches. The amendment submits a revised page 2 to the application and revised Exhibits F, G, G-II and K reflecting the changed wall thickness.

Applicant states that the estimated cost of the proposed pipeline and appurtenant facilities based on a wall thickness of .250 inches is \$1,516,360 rather than the estimate of \$1,559,460. Applicant states that such cost would be financed by short-term borrowing.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before December 6, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the

Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 79-35357 Filed 11-15-79; 8:45 am]  
BILLING CODE 6450-01-M

[Docket No. TC80-32]

**Southwest Gas Corp.; Tariff Filing Pursuant to Order No. 29**

November 8, 1979

Take notice that on October 29, 1979, Southwest Gas Corporation (Southwest) tendered for filing pursuant to Order No. 29 and § 281.204 of the Commission's regulations, in Docket No. TC80-32, the following sheets to its FERC Gas Tariff, Original Volume No. 1:

Original Sheet No. 25B  
Original Sheet No. 25C  
First Revised Sheet No. 23  
First Revised Sheet No. 24  
First Revised Sheet No. 25A  
Second Revised Sheet No. 25

The sheets are proposed to be effective December 1, 1979.

Southwest states that the filing is being made in accordance with the FERC's permanent curtailment rule adopted by Order No. 29, issued May 2, 1979 establishing a system of priorities for high-priorities and essential agricultural use requirements pursuant to the provisions of Section 401 of the Natural Gas Policy Act of 1978. Southwest's tariff sheets would arrange the Priority of Service Categories as follows:

1(a) Residential, small commercial (less than 50 Mcf on a peak day), schools, hospitals, police protection, fire protection, sanitation facility, or correctional facility.

2(a) Essential agricultural users.

2(b) To be designated as essential industrial process and feedstock uses when certified by the Secretary of Energy in accordance with Section 402(c) of the Natural Gas Policy Act.

2(c) Large commercial requirements (50 Mcf or more on a peak day); firm industrial requirements for plant protection, feedstock and process needs

not specified in 2(b) and pipeline customer storage injection requirements.

3. All industrial requirements not specified in 2(a), 2(b), 2(c), 4, 5, 6, 7, 8, and 9.

4. Firm industrial requirements for boiler fuel use at less than 3,000 Mcf per day, but more than 1,500 Mcf per day, where alternate fuel capabilities can meet such requirements.

5. Firm industrial requirements for large volume (3,000 Mcf or more per day) boiler fuel use where alternate fuel capabilities can meet such requirements.

6. Interruptible requirements of more than 300 Mcf per day, but less than 1,500 Mcf per day, where alternate fuel capabilities can meet such requirements.

7. Interruptible requirements of intermediate volumes (from 1,500 Mcf per day through 3,000 Mcf per day), where alternate fuel capabilities can meet such requirements.

8. Interruptible requirements of more than 3,000 Mcf per day, but less than 10,000 Mcf per day, where alternate fuel capabilities can meet such requirements.

9. Interruptible requirements of more than 10,000 Mcf per day, where alternate fuel capabilities can meet such requirements.

The tendered tariff sheets also define; (1) Residential, (2) Commercial, (3) Schools, (4) Hospital, (5) Industrial, (6) Plant Protection Gas, (7) Feedstock Gas, (8) Process Gas, (9) Boiler Fuel, (10) Alternate Fuel Capabilities, (11) Alternate Fuel Available for Essential Agricultural Use, and (12) Essential Agricultural Use. Finally, Original Sheet No. 25C sets forth Southwest's Index of End Use Volumes for priority 1 and 2(a) users.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protest should be filed on or before November 19, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 79-35334 Filed 11-15-79; 8:45 am]  
BILLING CODE 6450-01-M

[Docket No. RP80-15]

**Texas Eastern Transmission Corp.; Proposed Changes in FERC Gas Tariff**

November 9, 1979.

Take notice that Texas Eastern Transmission Corporation on November 1, 1979 tendered for filing proposed changes in its FERC Gas Tariff, Fourth Revised Volume No. 1, the following tariff sheets:

Second Revised Sheet No. 106  
Third Revised Sheet No. 107  
Third Revised Sheet No. 108  
Third Revised Sheet No. 109  
Third Revised Sheet No. 110  
Third Revised Sheet No. 111  
Fifth Revised Sheet No. 112  
Second Revised Sheet No. 113

The above tariff sheets are being filed in compliance with § 282.601 of the Commission's regulations consisting of Texas Eastern's revised PGA provision and Incremental Pricing Surcharge provision. In that connection, Texas Eastern has also changed its filing date from 45 days to 30 days prior to the proposed effective date. Texas Eastern also proposes with this filing to correctly reflect the rate and procedure for computing carrying charges on the PGA account balance pursuant to Commission revisions to § 154.38(d)(4)(iv)(c) of the regulations as prescribed in Order No. 47 issued September 10, 1979 in Docket No. RM77-22.

The proposed effective date of the above tariff sheets is December 1, 1979 as required by the Commission.

Copies of the filing were served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 28, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 79-35342 Filed 11-15-79; 8:45 am]  
BILLING CODE 6450-01-M

**[Docket Nos. RP73-3, etc.]****Transcontinental Gas Pipe Line Corp.;  
Filing of Pipeline Refund Reports and  
Refund Plans**

November 8, 1979.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before November 23, 1979. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,  
Secretary.

**Appendix**

Filing date	Company	Docket No.	Type filing
9/4/79.....	Transcontinental Gas Pipe Line Corp.	RP73-3.....	Plan.
9/17/79.....	Southern Natural Gas Company.	G-9279, et al.	Report.
9/26/79.....	Lawrenceburg Gas Transmission Corp.	RP78-37.....	Report.
9/27/79.....	Texas Eastern Transmission Corp.	G-12706.....	Report.
10/1/79.....	Transcontinental Gas Pipe Line Corp.	RP75-3.....	Report.
10/1/79.....	Peoples Natural Gas Division of Northern Natural Gas Co.	RP73-48.....	Plan.
10/5/79.....	Southern Natural Gas Co.	RP72-91.....	Report.
10/19/79.....	El Paso Natural Gas Co.	RP78-18.....	Report.

[FR Doc. 79-35335 Filed 11-15-79; 8:45 am]

BILLING CODE 6450-01-M

**[Docket Nos. CP79-407, CP77-566]****Transcontinental Gas Pipe Line Corp.  
and Michigan Wisconsin Pipe Line Co.;  
Petition To Amend**

November 8, 1979.

Take notice that on October 15, 1979, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77001, and Michigan Wisconsin Pipe Line Company (Mich Wisc), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket Nos. CP79-407 and CP77-566, respectively, a joint petition to amend the order issued September 10, 1979, in Docket No. CP79-407 and the order issued March 22, 1979, in Docket No. CP77-566 pursuant to Section 7(c) of the Natural Gas Act so as to authorize Mich Wisc to own and

operate jointly with Transco, an offshore pipeline and appurtenant facilities, which Transco has been authorized to construct and operate individually, and to authorize the addition of an exchange point, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioners state that by order issued September 10, 1979, in Docket No. CP79-407, Transco was authorized to construct and operate 6.77 miles of 4-inch pipeline and related facilities extending from a producer owned platform in West Cameron Block 22, offshore Louisiana, to Transco's existing system. Petitioners further state that to assist Mich Wisc in assuring the receipt of gas supplies committed to it in West Cameron Block 22, Petitioners have signed a construction, ownership, operation and maintenance agreement dated June 8, 1979, by which Petitioners agreed to share the ownership and operation of such facilities in the proportions of 80 percent for Transco and 20 percent for Mich Wisc. Petitioners state that the total cost of these facilities would be an estimated \$2,192,500, of which Mich Wisc's share, to be paid out of cash on hand, would be \$438,500.

Petitioners further state that by order issued on March 22, 1979, in Docket No. CP77-566, Petitioners were authorized to exchange natural gas, pursuant to a gas exchange agreement dated July 11, 1979. Petitioners state that such agreement provides that Transco should deliver, or would cause to be delivered, gas to Mich Wisc at two delivery points, and Mich Wisc would deliver gas to Transco at one point. Petitioners further state that any imbalance of exchange gas deliveries incurred at the proposed exchange points would be alleviated by appropriate adjustment of gas delivered at the tailgate of Mobil Oil Corporation's Cameron Meadows Processing Plant, Cameron Parish, Louisiana, or at such other points of interconnection on Petitioners' pipeline system as mutually agreed upon.

Petitioners further state that by agreement dated August 8, 1979, they propose to add a new delivery point at which Mich Wisc would deliver gas to Transco. Petitioners assert that such delivery point, the West Cameron Block 225 delivery point, would be located in Cameron Parish, Louisiana, and would be used by Mich Wisc to take its West Cameron Block 22 gas reserves. Petitioners state that the maximum quantity which Mich Wisc would be

permitted to deliver at such point would be 800 Mcf per day.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before December 6, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-35358 Filed 11-15-79; 8:45 am]

BILLING CODE 6450-01-M

**[Docket No. RP80-14]****Transwestern Pipeline Co.; Proposed  
Changes in FERC Gas Tariff**

November 9, 1979.

Take notice that Transwestern Pipeline Company (Transwestern) on November 1, 1979 tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following sheets:

First Revised Sheet No. 73.  
Fourth Revised Sheet No. 74.  
Second Revised Sheet No. 75.  
Third Revised Sheet No. 76.  
Original Sheet No. 76A.  
Original Sheet No. 76B.  
Original Sheet No. 76C.

The above tariff sheets are being filed in compliance with Section 282.601 of the Commission's Regulations consisting of Transwestern's revised PGA provision and Incremental Pricing Surcharge provision. Transwestern also proposes with this filing to correctly reflect the rate and procedure for computing carrying charges on the PGA account balance pursuant to Commission revisions to § 154.38(d)(4)(iv)(c) of the regulations as prescribed in Order No. 47 issued September 10, 1979 in Docket No. RM77-22.

The proposed effective date of the above tariff sheets is December 1, 1979 as required by the Commission.

Copies of the filing were served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 26, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 79-35343 Filed 11-15-79; 8:45 am]  
BILLING CODE 6450-01-M

[Docket No. RP80-17]

**Trunkline Gas Co.; Change in Tariff**

November 9, 1979.

Take notice that on November 1, 1979 Trunkline Gas Company (Trunkline) tendered for filing the following Revised Tariff Sheets to its FERC Gas Tariff, Original Volume No. 1:

Original Sheet No. 3-B.  
Third Revised Sheet No. 21-D.  
Third Revised Sheet No. 21-E.  
Sixth Revised Sheet No. 21-F.  
Third Revised Sheet No. 21-G.  
Third Revised Sheet No. 21-H.  
Second Revised Sheet No. 21-I.  
Third Revised Sheet No. 21-J.  
Original Sheet No. 21-O.  
Original Sheet No. 21-P.  
Original Sheet No. 21-Q.

An effective date of December 1, 1979 is proposed. Trunkline states that such revised tariff sheets are filed pursuant to Section 282.601 of the Commission's Regulations.

On September 28, 1979 the Commission issued Order No. 49 in subject docket establishing the Final Rule implementing the incremental pricing provisions of the National Gas Policy Act of 1978. Section 282.601 of the Commission's regulations as established under Order No. 49 require interstate pipelines to revise its current PGA tariff provisions and establish Incremental Pricing Surcharge tariff provisions in accordance with the Incremental Pricing Regulations.

Trunkline states that copies of its filing have been served on all customers subject to the tariff sheets and applicable state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a petition

to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C., 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 26, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 79-35344 Filed 11-15-79; 8:45 am]  
BILLING CODE 6450-01-M

[Docket No. CP80-36]

**Trunkline Gas Co.; Application**

November 8, 1979.

Take notice that on October 19, 1979, Trunkline Gas Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP80-36 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition, retention in place and operation of a 12.33 per cent interest in one 2,160 horsepower compressor to be installed by Mobil Oil Exploration & Producing Southeast, Inc. (Mobil) in Vermilion Block 23, offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has entered into a long term gas purchase contract with Mobil dated April 2, 1976, to purchase gas from Vermilion Block 23 in the offshore Louisiana area. Mobil has received Commission authorization to make such sale to Applicant in Docket No. CI76-494.

Pursuant to the terms of said gas purchase contract, Applicant maintains it is obligated to reduce its pipeline operating pressure to 600 psig, or to provide compression from 600 psig to its pipeline operating pressure. It is stated that the contract delivery pressure is 1,000 psig; however, Mobil delivers gas to Applicant at pressures above 1,200 psig in order for gas to enter Applicant's pipeline. Applicant states it has elected to provide compression instead of reducing its pipeline operating pressure. Mobil, as owner of one-third of the gas, would provide compression of its share of the gas up to 600 psig, and would own

21 percent of the compressor. Gulf Oil Corporation (Gulf) and Amoco Production Company (Amoco), each the owner of the one-third of the gas, would each own one third of the compressor.

According to the Applicant, it is contractually obligated to provide such compression and the fuel required for this operation, at no cost to Mobil, for compression of gas from 600 psig to pipeline operating pressure. Because Mobil, Gulf and Amoco would purchase and install such compressor, Applicant is obligated to purchase 12.33 percent thereof from Mobil. Mobil would maintain and operate the compression facilities.

Applicant states that the continued level of gas production to be attained through the use of such compression facilities is important to its gas supply because the deliverability of Applicant's firm long-term gas supply is less than adequate to meet its customer's requirements under present levels of authorized service. It is stated that approximately 8,000,000 Mcf of gas reserves would ultimately be produced.

Applicant's share of the cost of the compressor installation is approximately \$185,000, and would be met from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 6, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if

the Commission, on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-35359 Filed 11-15-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP76-118]

### U-T Offshore System; Amendment to Petition To Amend

November 8, 1979.

Take notice that on October 17, 1979, U-T Offshore System (Petitioner), P.O. Box 1398, Houston, Texas 77001, filed in Docket No. CP76-118 pursuant to Section 7(c) of the Natural Gas Act, an amendment to its February 5, 1979, petition to amend its certificate of public convenience and necessity in said docket so as to revise the proposed levels of firm transportation service for its shippers, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Petitioner states that the purpose of its February 5, 1979, petition is to request authorization for the construction and operation of additional onshore facilities which would increase the capacity of its system to approximately 1,200,000 Mcf per day. Such additional capacity is required to enable Petitioner to transport the additional volumes of natural gas that its shippers anticipate making available to it from the High Island Offshore System (HIOS), it is asserted.

Petitioner seeks to amend its February 5, 1979, petition to amend, as follows:

(1) To revise the proposed levels of firm transportation service for its shippers on a basis consistent with the August 21, 1979, petition to amend filed by HIOS in its Docket No. CP75-104, *et al.*;

(2) To furnish reserves and deliverability information relating to its shippers' reserves, based upon the information relating to its shippers' reserves, based upon the information contained in HIOS's aforementioned petition to amend;

(3) To propose a change in the method of computing depreciation from the current straight-line rate of 7.14 percent to a unit-of-production method;

(4) To furnish a cost and revenue study demonstrating its cost of service under the expansion as proposed, and

the derivation of the indicated transportation rates resulting therefrom.

Regarding the revision described in (1) above, Petitioner proposes, in order to conform its shippers' contract demands to those reflected in HIOS' August 21, 1979, filing, to revise its shippers' currently effective contract demands as follows:

Shippers	Currently effective contract demand (Mcf per day)	Proposed effective contract demand (Mcf per day)
Natural Gas Pipeline Company of America	131,530	185,730
Transcontinental Gas Pipe Line Corporation	131,530	185,730
United Gas Pipe Line Company	143,500	202,640
Columbia Gas Transmission Corporation	40,620	57,330
Consolidated Gas Supply Corporation	24,950	35,230
Tennessee Gas Pipeline Company, a Division of Tenneco Inc.	15,270	21,600
El Paso Natural Gas Company	17,560	30,320
Trunkline Gas Company	133,130	188,010
Northern Natural Gas Company	86,420	122,130
National Fuel Gas Supply Corporation	5,490	7,760
Total	730,000	1,036,480

Respecting reserves and deliverability, Petitioner states that a study by Ralph E. Davis Associates, Inc. (The Davis Report) reflects an estimate of 3,446,000 Mcf of proved and probable reserves available for transportation through the HIOS system as of January 1, 1979. Petitioner further states that the portion of such reserves available for transportation through Petitioner, after reflecting 1979 production and the estimated fuel use on the HIOS system, is estimated to be 2,480,000 Mcf.

Petitioner states that the 7.14 percent depreciation rate assumes that the production life of the reserves in the HIOS supply area would be approximately 14 years. Petitioner asserts that the Davis Report demonstrates that the assumption is invalid and that delivery of reserves will occur at a rate substantially higher than that assumed by the Commission. The unit-of-production proposal uses the 2,480,000 Mcf figure reflected in the Davis Report; thus, insuring that the capital invested in facilities would be recovered at the same average depreciation cost per Mcf, it is asserted.

Petitioner further states that due to the proposed increase in firm transportation service and the change in depreciation to a unit-of-production basis, one of the conditions contained in the Commission's December 22, 1978, order in the instant docket authorizing Petitioner to render interruptible transportation service must be modified. Specifically, Petitioner requests that, insofar as it applies to Petitioner the

conditions in Ordering Paragraph (A)(3) be modified to reflect the changed circumstances, as follows.

A supplemental charge for depreciation and concurrent credit to accumulated provision for depreciation shall be recovered in an amount equal to all revenues less the applicable charge to depreciation on a unit-of-production basis attributable to annual volumes transported by U-TOS in excess of 378,315,200 Mcf.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before December 6, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules or practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Persons having heretofore filed need not do so again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-35360 Filed 11-15-79; 8:45 am]

BILLING CODE 6450-01-M

### Office of Energy Research

#### Geothermal Energy Subpanel of the Energy Research Advisory Board; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: Geothermal Energy Subpanel of the Energy Research Advisory Board.

Date and Time: December 7, 1979, 8:30 a.m. to 3:30 p.m.

Place: Republic Geothermal, Inc., 11823 East Slauson Avenue, Santa Fe Springs, California.

Contact: Eudora Taylor, Office of Energy Research, Department of Energy, Room 538, 1111 20th Street, N.W., Washington, D.C. 20036, Telephone: 202-254-9782.

Purpose of the Parent Board: To advise the Department of Energy on the overall research and development conducted in DOE and to provide long-range guidance in these areas to the Department. The Subpanel on Geothermal Energy will make recommendations to the parent Board.

Tentative Agenda:

- Administration and Organization
- Discussion of Terms of Reference



- Discussion of Relative Priorities of Geothermal Projects
- Public Comment

**Public Participation:** The meeting is open to the public. Written statements may be filed with the Subpanel either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact the program office at the address or telephone number listed above. Requests must be received at least 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The Chairperson of the Subpanel is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Transcripts: Available for public review and copying at the Freedom of Information Public Reading Room, Room GA-152, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on November 7, 1979.

Georgia Hildreth,

Director, Advisory Committee Management.

[FR Doc. 79-35374 Filed 11-15-79; 8:45 am]

BILLING CODE 6450-01-M

## Office of Hearings and Appeals

### Issuance of Decisions and Orders; Week of July 9 Through July 13, 1979

Notice is hereby given that during the week of July 9 through July 13, 1979, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions which were dismissed by the Office of Hearings and Appeals and the basis for the dismissal.

#### Appeals

*Data Technology Industries, Riverdale, Md., DFA-0435, Freedom of Information*

Data Technology Industries (DTI) filed an Appeal from a partial denial by the Deputy Director of the DOE Office of Procurement Operations of a Freedom of Information Request. In its Appeal, DTI sought the release of a document which was withheld pursuant to 5 U.S.C. 552(b) (4) and (6). In considering the Appeal, the DOE found that the Deputy Director's Order did not provide specific reasons for withholding the document. Accordingly, the DOE remanded the matter for further consideration.

*O'Connor & Hannan, Washington, D.C., DFA-0464, Freedom of Information*

O'Connor & Hannan filed an Appeal from a denial by the Director of the ERA Petroleum Price Regulations Division of a Freedom of Information Act request. In its Appeal, the firm contended that the Order was

ambiguous and did not conform to the requirements of 10 CFR 1004.7(b) and that the search for the requested documents was too limited. In considering the Appeal, the DOE agreed with the firm's contentions and remanded the matter for further consideration.

*Wind Energy Report, New York, N.Y., DFA-0449, Freedom of Information*

Wind Energy Report filed an Appeal from a denial by the DOE Chief of Wind Systems of a Freedom of Information Act request. In considering the Appeal, the DOE concluded that certain documents should be released by the Chief of Wind Systems. With respect to other documents, the DOE remanded the matter with instructions to release the documents or to provide an adequate explanation for withholding them. An important issue discussed in the Decision is whether research reports prepared for the DOE by consultants but not yet approved for publication might nevertheless be required to be released under the FOIA.

#### Remedial Orders

*Glenn Martin Heller, Boston, Mass., DRO-0184, Motor Gasoline*

Glenn Martin Heller filed a Statement of Objections to a Proposed Remedial Order which the Northeast District Office of Enforcement of the ERA issued to him on March 6, 1979. In the PRO, the ERA found that Heller had sold motor gasoline at prices that exceeded the maximum prices permitted under 10 CFR 212.93. In considering the objection, the DOE found that Heller was bound by the provisions of 212.93 since he had acquired a retail gasoline station which was in existence on May 15, 1973. The DOE also determined that the Statement of Policy concerning the auditing of small retailers which the ERA issued on June 23, 1978 does not have the force and effect of law and does not bar enforcement actions against individual members of the specified class. Accordingly, the PRO was issued as a Remedial Order.

*Lakes Gas Co., Forest Lake, Minn., DRO-0040, Propane*

Lakes Gas Company filed a Statement of Objections to a Proposed Remedial Order which DOE Region V issued to the firm on April 12, 1978. The PRO alleged that during the period November 1973 through June 1975 Lakes sold propane at prices which exceeded those permitted under 6 CFR 150.359 and 10 CFR 212.93 and that Lakes failed to maintain records to demonstrate its compliance with the price regulations as required by 6 CFR 150.363(c) and 10 CFR 210.92. In considering Lakes' objection, the DOE determined that Lakes did not calculate its increased product costs in a manner consistent with 10 CFR 212.92. The DOE rejected Lakes' argument that its increased product costs should be determined by reference to its cost of sales. The DOE further determined that the Regional Office's use of a FIFO accounting method was reasonable. In addition, the DOE rejected Lakes' argument that the firm historically maintained separate inventories for each of its bulk plants. The DOE also concluded that demurrage charges which Lakes incurred during the audit period could

be included in the calculation of the firm's cost of product in inventory. Accordingly, the DOE determined that the overcharges reflected in the PRO should be reduced by the amount of the demurrage charges incurred. The PRO, as modified, was issued as a Remedial Order.

#### Requests for Exception

*Caribbean Gulf Refining Co., Houston, Tex., DPI-0033, Crude Oil*

Caribbean Gulf Refining Company filed an Application for Exception from the provisions of 10 CFR 213.35(c) in which the firm sought a refund of license fees which it paid on crude oil imported between December 20, 1978 and March 31, 1979. In addition, the firm requested exception relief from the provisions of the Equal Application Rule, 10 CFR 212.83(h). In considering the request, the DOE found that exception relief from Section 213.35(c) was necessary in order to alleviate a cost disadvantage which Gulf was experiencing in Puerto Rico. The DOE also concluded that Gulf was entitled to exception relief from the provisions of the Equal Application Rule in order to enable it to recover unrecouped costs incurred in its Puerto Rican operations. Accordingly, Gulf's Application for Exception was granted in part.

*Chevron U.S.A., Inc., San Francisco, Calif., DEE-2004, crude oil*

Chevron U.S.A., Inc. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. In its Application, Chevron requested that the working interest owners be allowed to sell the crude oil produced from the Vickers 1-Aggregated Vickers Rindge property at upper tier ceiling prices. In considering the request, the DOE found that exception relief was necessary to provide the working interest owners with an incentive to continue production. Accordingly, the Application for Exception was granted.

*Consolidated Edison Co. of New York, New York, N.Y., DEE-6311, motor gasoline*

The Consolidated Edison Company of New York, Inc., (ConEd) filed an Application for Exemption from the provisions of 10 CFR 211.103(c) in which the firm sought to be classified as an "energy production" concern for purposes of 10 CFR 211.51. In considering the request, the DOE found that the Application for Exemption was improperly filed, since 10 CFR 206.70 states that an applicant cannot seek an exemption from "less than an entire part, or subpart thereof" of the DOE Regulations. Accordingly, exemption relief was denied.

*Rex Monahan, Sterling, Colo., DXE-2804, crude oil*

Rex Monahan filed an Application for Exception from the provisions of 10 CFR 212.73 in which the firm sought permission to sell the crude oil produced from the Springen Ranch Muddy Unit at prices which were in excess of the ceiling prices. In considering the request, the DOE found that exception relief was necessary to provide the firm with an incentive to continue crude oil production operations. Accordingly, exception relief was granted to the working interest owners.

**Pennzoil Producing Co., Yazoo County, Miss.,  
DXE-5523, crude oil**

Pennzoil Producing Company filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, in which the firm sought an extension of exception relief previously granted. In considering the request, the DOE found that an extension of exception relief was necessary to provide the working interest owners with an economic incentive to continue crude oil production at the McGraw Stevens Waterflood Unit. Accordingly, exception relief was granted.

**Pennzoil Producing Co., Yazoo County, Miss.,  
DXE-5524, crude oil**

Pennzoil Producing Company filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, in which the firm sought an extension of exception relief previously granted. In considering the request, the DOE found that an extension of exception relief was necessary to provide the working interest owners with an economic incentive to continue crude oil production at the Woodruff Sand Waterflood Unit. Accordingly, exception relief was granted.

**Phillips Petroleum Co., Bartlesville, Okla.,  
FEE-3592, crude oil**

Phillips Petroleum Company filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, in which the firm sought to sell the crude oil produced from the Bridger Lake Unit located in Summit County, Utah, at market price levels. In considering the request, the DOE found that exception relief was necessary to provide Phillips with an economic incentive to undertake an enhanced recovery program. Accordingly, exception relief was granted.

**Phillips Petroleum Co., Bartlesville, Okla.,  
DXE-2171, crude oil**

Phillips Petroleum Company filed an Application for Exception from the provisions of 10 CFR 212.73 in which the firm sought permission to sell the crude oil produced from the Foote Lease located in Oklahoma County, Oklahoma, in excess of ceiling prices. In considering the request, the DOE found that exception relief was necessary to provide the firm with an incentive to continue crude oil production operations. Accordingly, exception relief was granted.

**Prudential Insurance Co. of America, Los Angeles, Calif., DEE-6080, motor gasoline**

The Western Home Office of the Prudential Insurance Company of America filed an Application for Exception from the motor gasoline allocation regulations. In its Application, Prudential requested an increased allocation of gasoline for the vans in its van pool program. In considering the request, the DOE found that an exception was appropriate on gross inequity grounds. Accordingly, Prudential's monthly allocation was increased by an amount sufficient to enable it to maintain its van pool program at an expanded level. The DOE also stated that similar exception relief would be available to other firms which have implemented or wish to implement programs similar to the Prudential van pool program.

**Union Oil Co. of California, San Francisco, Calif., DEE-2102, Crude Oil**

Union Oil Company of California filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. In its Application, Union requested that the working interest owners be allowed to sell the crude oil production from the Pacific Electric Pool property located in the Las Cienegas Field in Los Angeles County, California, at upper tier ceiling prices. In considering Union's request, the DOE found that Union had failed to demonstrate that the operating costs incurred by the firm at the Pacific Pool had increased to the point where Union no longer had an economic incentive to continue crude oil production. Accordingly, exception relief was denied.

**Request for Modification and/or Rescission**

**Marathon Oil Co., Murphy Oil Co.,  
Washington, D.C., DMR-0057, DMR-0058, Motor Gasoline**

Marathon Oil Company and Murphy Oil Company filed Applications for Rescission of a Stay which the DOE issued to the U.S. Oil Company on May 22, 1979. In their Applications, Marathon and Murphy claimed that the Stay was improper because it granted affirmative relief, in considering the Applications, the DOE found that the Stay had been properly granted. The Applications for Rescission were therefore denied.

**Requests for Stay**

**BP Oil Inc., Cleveland, Ohio, DES-0219,  
Motor Gasoline**

BP Oil Inc. filed an Application for Stay of a Temporary Assignment Order which directed the firm to supply Petroleum Combustion International, Inc. with motor gasoline. In considering the BP request, the DOE concluded that ERA Region II had failed to provide BP with adequate notice or a fair opportunity to submit comments. Accordingly, the DOE granted a Stay of the Temporary Assignment Order for five business days.

**Macmillan Ring-Free Oil Co., Inc., New York, N.Y., DRS-0221, Crude Oil**

Macmillan Ring-Free Oil Company, Inc. filed an Application for Stay of the provisions of an Interim Remedial Order for Immediate Compliance which the Office of Special Counsel issued to Tenneco Oil Company on May 24, 1979. In considering the Application, the DOE determined that Macmillan had failed to show that implementation of the IROIC would cause irreparable harm to the firm or that Macmillan was likely to succeed on the merits of its objection to the IROIC. Accordingly, Macmillan's Application for Stay was denied.

**Sun Oil Co., Philadelphia, Pa., DES-0370,  
DST-0370, motor gasoline**

Sun Oil Company filed an Application for Stay of the provisions of a Redirection Order issued by the Office of Fuels Regulation on March 20, 1979. In considering the Application, the DOE determined that Sun

had demonstrated a likelihood of success on the merits of its Appeal of the Redirection Order, since the Order appeared to be defective on its face and since Sun had not been given sufficient time in which to comment in the proceeding. Accordingly, Sun's Application for Stay was granted.

**Sun Oil Co., Philadelphia, Pa., DST-0226,  
DES-0226, motor gasoline; No. 2 diesel  
fuel; No. 2 heating oil**

Sun Oil Company filed an Application for Stay of a Temporary Assignment Order which would require it to supply Landmark, Inc. with petroleum products. In considering the Application, the DOE found that Sun had not received adequate notice or a fair opportunity to comment on the Temporary Assignment Order prior to its issuance. Accordingly, Sun's Application for Stay was granted.

**Petition for Refund**

**Office of special counsel, Washington, D.C.,  
DFF-0001, refund**

In response to a petition filed by the Office of Special Counsel, the Office of Hearings and Appeals issued a Decision and Order implementing the Special Refund Procedures set forth in 10 CFR, Part 205, Subpart V. The decision sets forth procedures that the DOE will use in distributing the funds that the Gulf Oil Corporation will pay pursuant to a Consent Order. More specific procedures for the filing of refund applications will be announced in a future order.

**Supplemental Order**

**Acomi Corp., DEX-0188, motor gasoline**

On July 12, 1979, a Proposed Decision and Order was issued to Acomi Corporation in which the DOE tentatively determined that Acomi's Application for Exception should be denied because the firm may have materially misrepresented the factual basis underlying its request. On the same date, the DOE issued an Order to show cause why relief granted in prior stay proceedings should not be revoked.

**Petitions Involving the Standby Petroleum  
Product Allocation Regulations for Motor  
Gasoline**

The following firms filed Applications for Exception, Stay, Temporary Stay, and/or Interim Order of the provisions of the Motor Gasoline Allocation Regulations. The requests, if granted, would result in an increase in the base period allocation of motor gasoline. The DOE issued Decisions and Orders which determined that the requests be granted:

Company name	Location	Case No.
Walter's North Bellmore Exxon.	North Bellmore, NY....	DXE-6682
West Broward Phillips 66 Service.	FL. Lauderdale FL.....	DXE-0267
Joe Emerson.....	Jonesboro, AR.....	DEN-6610
Land O'Lakes, Inc.....	Washington, D.C.....	DST-5972
Parker Oil Company....	Des Moines, IA.....	DEN-3117
Midland Energy Corp..	Kansas City, MO.....	DEN-3180
People's Amoco.....	Washington, D.C.....	DEN-4932
Yousef Safiedine.....	Detroit, MI.....	DEN-3020
Auto-Brite Car Wash...	Framingham, MA.....	DEN-4041

Company name	Location	Case No.
Chevron Car Wash.....	New Canaan, CT.....	DEN-5767
San-Ann Service, Inc.....	Washington, D.C.....	DEN-2330
R-J Enterprises, Inc.....	Scottsdale, AZ.....	DEN-3425
Kerr-McGee Corp.....	Oklahoma City, OK.....	DEN-2244
"L" Street Car Wash.....	Livermore, CA.....	DEN-3750
Glenn Oil Company.....	Lawton, OK.....	DEN-6061
Jones & Brown Enterprises, Inc.....	Sallisaw, OK.....	DEN-3274
L. S. Riggins Oil Co.....	Milksville, NJ.....	DEN-3603
Malone Oil Company.....	Memphis, TN.....	DEN-3019
McMurrough Mercantile.....	Dobbin, TX.....	DEN-6113
Mini-Serve, Inc.....	Beaumont, TX.....	DEN-5314
Red Bluff Mobil Service Center.....	Pasadena, TX.....	DEN-6230

The following firm filed an Application for Stay of the provisions of the Motor Gasoline Allocation Regulations. The stay request, if granted, would result in an increase in the base period allocation of motor gasoline pending determination of the Application for Exception. The DOE issued a Decision and Order which determined that the stay request be denied:

Company name	Location	Case No.
Douglas Gulf & Mower Service.....	Dallas, TX.....	DES-2998

#### Dismissals

The following submissions were dismissed without prejudice to refile at a later date:

Company name	Case No.
Blue Water Shrimp Co.....	DEE-3841
Edmond Street Oil Corp.....	DEE-3911;
Laurence C. Walker.....	DFA-0451
McColl's Dairy Products Company.....	DEE-4617
Sunset Service.....	DEE-5258
Leddy-Hall Brake & Wheel Service.....	DEE-3953
Wadie's Service Station.....	DEE-5259

Company name	Case No.
People's Amoco.....	DES-4832
C&J Self Service.....	DEE-6786
Campbell Oil Co., Inc.....	DEE-2727;
Cascade Metals Corp.....	DST-2727
H. R. Stasney & Sons Company.....	DEE-5814;
Hardy Turquoise Co., Inc.....	DST-5814
Hester Oil Company.....	DEE-7075
Keth Freeman.....	DEE-4807
Larry Barrett Truck & Auto Service.....	DEE-5591
Morris Johnson Chevron.....	DEE-6812
Nick & Paul's Auto Service.....	DEE-6142
Northern Petroleum, Inc.....	DEE-6109
Platt Music Corp.....	DEE-4527
Power Test Corp.....	DEE-5429
Southern States Cooper Cooperative, Inc.....	DEE-5336
Sieve's Service Center.....	DEE-4086;
Travelers Petroleum, Inc.....	DES-4086;
Yousef Safodine.....	DST-4086
Cubs Park Service Station.....	DEE-3454
Stinson Grocery.....	DEE-6801
Cub Park Service Station.....	DXE-6287
Front Range Exxon Service.....	DEE-6801
Humphrey's Service.....	DXE-6287
Rero Automotive.....	DEE-7016
Thomas' Service Station & Grocery.....	DEE-5122
Stinson Grocery.....	DEE-5122
Tom's Mobil.....	DEE-7016
Castro Petroleum Co.....	DEE-6484
Johnson Oil Company.....	DEE-5562;
Union Oil Company of California.....	DST-5562
University Gulf.....	DEE-4731
Willey's Express, Inc.....	DEE-5571;
	DES-5571
	DXE-5122;
	DES-5122
	DEE-4335
	DEE-2276
	DXE-6580
	DEE-2352
	DEE-5553
	DEE-6766

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.s.t., except Federal holidays. They are

also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Melvin Goldstein,  
Director, Office of Hearings and Appeals.  
November 9, 1979.

[FR Doc. 79-35478 Filed 11-15-79; 8:45 am]  
BILLING CODE 6450-01-M

#### Notice of Cases Filed With the Office of Hearings and Appeals; Week of July 13, 1979, through July 20, 1979

Notice is hereby given that during the week of July 13, 1979 through July 20, 1979 the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under the DOE's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the DOE action sought in such cases may file with the DOE written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

October 31, 1979

Melvin Goldstein,  
Director, Office of Hearings and Appeals.

#### List of Cases Received by the Office of Hearings and Appeals

[Week of July 13, 1979, through July 20, 1979]

Date	Name and location of applicant	Case No.	Type of submission
July 13, 1979	Harvey J. Bean, Erie, Pa.....	DRT-0274	Request for Temporary Stay. If granted: The July 2, 1979, Interim Remedial Order for Immediate Compliance issued by the Economic Regulatory Administration Region III would be stayed pending the final determination of Harvey J. Bean's Statement of Objections.
Do	Coastal States Gas Corp., Houston, Tex.....	DMR-0003	Request for modification/rescission. If granted: The DOE's June 27, 1979 Decision and Order granting the appeals of Exxon Co., U.S.A., Mobil Oil Corp., Tosco Corp., Union Oil Co. of California, and Shell Oil Co. from Redirection Orders issued by Economic Regulatory Administration Region IX on April 6, 1979 regarding Coastal States Gas Corporation's supply obligations to Tosco Corporation and Union Oil Co. of California would be modified.
Do	Hollowell Oil Co., Inc., Hertford, N.C.....	DEE-7227	Allocation exception. If granted: Hollowell Oil Co. would receive an exception from the provisions of 10 CFR 211.103 with respect to an increased allocation of unleaded gasoline for the purposes of blending gasoline.
Do	U.S. Oil Co., Washington, D.C.....	DEX-0183	Supplemental Order. If granted: The DOE would issue a Decision and Order directing Marathon Oil Co. to supply U.S. Oil Co. motor gasoline.
July 16, 1979	Acomi Corp., Marblehead, Mass.....	DEX-0191	Supplemental Order. If granted: The DOE's Mar. 7, 1979 and Apr. 4, 1979 Decision and Order regarding the assignment of motor gasoline to Acomi Corp. would be rescinded.
Do	Akin, Gump, Hauer & Feld, Washington, D.C.....	DFA-0498	Appeal of Information Request Denial. If granted: The DOE's June 13, 1979 Information Request Denial, issued by the Director of the Division of Freedom of Information and Privacy Act Activities, would be rescinded and the firm would receive access to certain DOE data.
Do	Aminol USA, Inc., Houston, Tex.....	DXE-7276	Extension of relief granted in Aminol USA, Inc., 2 DOE Par. 81,114 (Oct. 24, 1978). If granted: Aminol USA, Inc., would be permitted to continue to sell the crude oil produced from the California State Lease 392, located in Huntington Beach, California, at upper tier ceiling prices.

## List of Cases Received by the Office of Hearings and Appeals—Continued

[Week of July 13, 1979, through July 20, 1979]

Date	Name and location of applicant	Case No.	Type of submission
Do	Amoco Oil Co., Chicago, Ill.	DEA-0528 DES-0528 DST-0528	Appeal of ERA Assignment Order, Request for Stay, Request for Temporary Stay. If granted: The June 29, 1979, Assignment Order issued by the Economic Regulatory Administration Region V regarding Amoco Oil Company's supply obligations of middle distillates to Farmland Industries, Inc., would be rescinded.
Do	Amoco Oil Co., Chicago, Ill.	DEA-0497 DES-0497 DST-0497	Appeal of ERA Assignment Order, Request for Stay, and Request for Temporary Stay. If granted: The June 29, 1979, Assignment Order issued by the Economic Regulatory Administration Region V regarding Amoco Oil Company's supply obligations of motor gasoline to Farmland Industries, Inc., would be rescinded.
Do	Cato Fuel Co., Inc., Aiken, S.C.	DEE-7252	Allocation Exception. If granted: Cato Fuel Company, Inc., would receive an exception from the provisions of 10 CFR Part 211, with respect to an allocation of gasoline, kerosene, and fuel oil.
Do	Chevron U.S.A., Inc., San Francisco, Calif.	DEA-0537 DES-0537 DST-0537	Appeal of Temporary Assignment Order; Request for Stay; Request for Temporary Stay. If granted: The June 21, 1979, Temporary Assignment Order issued by the Economic Regulatory Administration Region IV to Chevron U.S.A., Inc., regarding its supply obligations to Publix Oil Company, Inc., would be rescinded. Chevron U.S.A., Inc., would be granted a Stay and Temporary Stay pending final determination of its Appeal.
Do	John M. Davis, Stephens, Ark.	DEE-7364	Price Exception (section 212.73). If granted: John M. Davis would be permitted to sell the crude oil produced from the J. P. Davis No. 1 Well at stripper well prices.
Do	Dixie Oil Co., Washington, D.C.	DEL-0001	Request for Temporary Exception. If granted: The Dixie Oil Co. would receive a temporary exception from the provisions of 10 CFR Part 211 pending a decision on an Application for Exception, which Dixie Oil Company indicated it will file in the near future.
Do	F. L. Roberts & Co., Inc., Springfield, Mass.	DSG-0058	Petition for Special Redress. If granted: F. L. Roberts & Co., Inc., would be assigned a new supplier to furnish the May and June 1979 base period volumes of motor gasoline for eight retail sales outlets.
Do	Gulf Oil Co., St. Martin Parish, La.	DEE-7350	Price Exception (section 212.73). If granted: Gulf Oil Co. would be permitted to continue to sell crude oil produced at the Rycade Oil Corp. et al. lease, located in St. Martin Parish, La., at upper tier ceiling prices.
Do	Jones & Brown Enterprises, Inc., Salisaw, Okla.	DEX-0194	Supplemental Order. If granted: The DOE's July 12, 1979 Interim Decision and Order issued to Jones & Brown Enterprises, Inc., regarding a change of supplier, would be modified.
Do	Koch Industries, Inc., Wichita, Kans.	DXE-7272	Extension of relief granted in Koch Industries, Inc. DOE Par. (June 27, 1979). If granted: Koch Industries, Inc. would be permitted to continue to sell the crude oil produced from the Sink Draw #1 lease, located in Tuchesno County, Utah, at upper tier ceiling prices.
Do	Louisiana Land and Exploration Co., Washington, D.C.	DRD-0199	Motion for Discovery. Washington, D.C. If granted: Discovery would be granted Louisiana Land and Exploration Company regarding the Statement of Objections to the Proposed Remedial Order issued to Texaco, Inc. (Case No. DRO-0199).
Do	Marathon Oil Co., Findlay, Ohio	DEA-0508, through DEA-0516 DST-0508 through DST-0516	Appeal of Temporary Assignment Orders; Request for Temporary Stay. If granted: The nine Temporary Assignment Orders issued May 1, 1979 by the Economic Regulatory Administration Region IV to Marathon Oil Company regarding Marathon's supply obligations to nine American Petrofina branded jobbers would be rescinded. The firm would receive a Temporary Stay pending a final determination on its Appeal.
Do	Mobil Oil Corp., AMF O'Hare, Ill.	DST-0067	Request for Temporary Stay. If granted: Mobil Oil Corporation would be granted a Temporary Stay of the June 21, 1979 Temporary Assignment Order issued by Economic Regulatory Administration Region V regarding Mobil's supply obligations to Farmland Industries, pending a decision on Mobil's Appeal of the Order.
Do	David G. Palamara, Atlantic Highlands, N.J.	DRT-0062 through DRT-0064	Request for Temporary Stay. If granted: David G. Palamara would receive a Temporary Stay of the three Interim Remedial Orders for Immediate Compliance issued by the Economic Regulatory Administration Region II.
Do	Southern Bell Telephone & Telegraph Co., Fort Lauderdale, Fla.	DEL-0002	Request for Temporary Exception. If granted: The Southern Bell Telephone and Telegraph Co. would receive a temporary exception from the provisions of 10 CFR 211.9(a), and a new supplier would be assigned to replace PDS.
Do	Standard Oil Co. of Indiana, Chicago, Ill.	DRS-7003 DRT-7003	Request for Stay and Request for Temporary Stay of Ancillary Order. If granted: Standard Oil Co. of Indiana would receive a Stay and a Temporary Stay of the June 29, 1979 Ancillary Order issued to the firm by the Economic Regulatory Administration Region VI pending a final determination of the appeal which the firm intends to file.
Do	Union Oil Co. of California, Los Angeles, Calif.	DEE-7357	Price Exception (section 212.72). If granted: Union Oil Company of California would be permitted to sell the crude oil produced from the Pacific Electric Pool, Las Cienegas Field, located in Los Angeles County, California, at upper tier ceiling prices.
Do	Vickers Petroleum Corp., Wichita, Kans.	DEA-0515 DES-0515 DST-0066	Appeal of Redirection Order; Request for Stay; Request for Temporary Stay. If granted: The June 18, 1979, Redirection Order issued to Vickers Petroleum Corp. by the Economic Regulatory Administration Region VI regarding Vickers supply obligations to Gible Oil Co. would be rescinded. Vickers Petroleum Corp. would receive a Stay and Temporary Stay from the Redirection Order pending final determination of its Appeal.
Do	Vickers Petroleum Corp., Wichita, Kans.	DEA-0522 through DEA-0527 and DES-0522 through DES-0527	Appeal of five Redirection Orders and one Temporary Assignment Order; Request for Stay of these Orders. If granted: The five May 8, 1979 Redirection Orders, issued to Saweway Oil Co., Sheets Oil Co., Quest Petroleum Co., Inc., Stephen Oil Co., Inc., and Fentress Oil Co. and the Temporary Assignment Order issued to Marcum Oil Co. regarding Vickers Petroleum Corp. supply obligations to them would be rescinded. Vickers Petroleum Corp. would receive a stay of the Orders pending final determination on its appeals.
Do	William Acuft, Washburn, Tenn.	DRA-0507	Appeal of Information Request Denial. If granted: The DOE's June 6, 1979, Information Request Denial issued by the Inspector General of the Department of Energy would be rescinded and William Acuft would receive access to certain DOE documents.
July 17, 1979	Ashland Oil Co., Ashland, Ky.	DES-0230 DST-0230	Request for Stay and Temporary Stay. If granted: Ashland Oil Co. would receive a stay and temporary stay of the Assignment Order issued by the Economic Regulatory Administration Region V regarding Ashland's supply obligations to Landmark, Inc.
Do	Hawkie's Service Station, Malden, Mass.	DRS-0281	Request for Stay. If granted: Hawkie's Service Station would be granted a stay of the July 6, 1979 Interim Remedial Order for Immediate Compliance issued by the Economic Regulatory Administration Region III regarding change of normal business practices.
Do	Sidney E. Pinkston, Jr., Dallas, Tex.	DXE-7310	Extension of relief granted in Sidney E. Pinkston, Jr., 4 DOE Par. (Mar. 16, 1979). If granted: Sidney E. Pinkston Jr. would be permitted to continue to sell the crude oil produced from the USA wells 1, 5, and 7 located in Adams County, Mississippi at upper tier ceiling prices.
Do	Publicker Industries, Inc., Greenwich, Conn.	DEE-7358	Allocation Exception. If granted: Publicker Industries, Inc., would receive an exception from the provisions of 10 CFR Part 211, permitting the assignment of unloaded gasoline for use in the blending of gasohol.

## List of Cases Received by the Office of Hearings and Appeals—Continued

[Week of July 13, 1979, through July 20, 1979]

Date	Name and location of applicant	Case No.	Type of submission
Do	Standard Oil Co., of Indiana Chicago, Ill.	DRT-0065	Request for Temporary Stay of Ancillary Order. If granted: The Standard Oil Company of Indiana would be granted a Temporary Stay of the June 29, 1979 Ancillary Order issued by Economic Regulatory Administration Region V regarding refunds of over-charges.
July 18, 1979	Belcher Oil Co., Washington, D.C.	DRD-0087	Motion for Discovery. If granted: Discovery would be granted with respect to the Statement of objections to a Proposed Remedial Order issued to Belcher Oil Company (Case No. DRD-0192).
Do	Derby Refining Co., Wichita, Kans.	DEE-7366	Price Exception. If granted: Derby Refining Co. would receive an exception from the provisions of 10 CFR 212.63 permitting the firm to pass through incremental expenses relating to the blending, storage, distribution and marketing of gasoline.
Do	The District of Columbia, Washington, D.C.	DEL-0003	Request for Temporary Exception. If granted: The District of Columbia would receive a Temporary Exception from the provisions of 10 CFR Part 211 pending a decision on an Application for Exception which the District of Columbia has indicated it will file in the near future.
Do	Florida Power & Light Co., Miami, Fla.	DRD-0182	Motion for Discovery. If granted: Discovery would be granted with respect to the Statement of Objections to a Proposed Remedial Order issued to Belcher Oil Co. (Case No. DRD-0192).
Do	Gulf Oil Corp., Houston, Tex.	CRX-0196	Supplemental Order. If granted: An escrow account established under DOE's Decision and Order dated Feb. 5, 1976 (Case No. FES-0733) issued to Gulf Oil Corp. would be disbursed.
Do	Pennzoil Producing Co., Houston, Tex.	CMR-0062	Request for Modification/Rescission. If granted: The DOE's June 27, 1979, Decision and Order (Case No. DXE-2189) issued to Pennzoil Producing Co. would be modified with respect to sales of new crude oil.
Do	Standard Oil Co. of Indiana, Kenia Peninsula Borough, Alaska.	DEE-7370	Price Exception (section 212.72). If granted: Standard Oil Co. of Indiana would be permitted to sell the crude oil produced from the South Middle Ground Shoal Unit, located in Kenia Peninsula Borough, Alaska, at upper tier ceiling prices.
Do	Standard Oil Co. of Indiana, Chicago, Ill.	DRS-0229	Request for Stay. If granted: The June 29, 1979 Ancillary Order issued by the Economic Regulatory Administration Region III to Standard Oil Co. of Indiana, regarding over-charges by R. Lacy, Inc., for sales of crude oil, would be stayed.
Do	Texaco, Inc., White Plains, N.Y.	DRD-0096	Motion for Discovery. If granted: Discovery would be granted with respect to the Statement of Objections to a Proposed Remedial Order issued to Texaco, Inc. (Case No. DRD-0199).
July 19, 1979	Alfredo Perez, Jr., Elizabeth, N.J.	DRT-0289	Request for Temporary Stay. If granted: The July 5, 1979, Interim Remedial Order for Immediate Compliance issued by the Economic Regulatory Administration Region II, would be stayed pending DOE's review of the Alfredo Perez, Jr.'s Statement of Objections (Case No. DRD-0289).
Do	Atlantic Richfield Co., Los Angeles, Calif.	DRD-0229 DRH-0229	Motion for Discovery and Motion for Evidentiary Hearing. If granted: Discovery would be granted and an evidentiary hearing would be convened with respect to Atlantic Richfield Company's Statement of Objections to an Interim Remedial Order for Immediate Compliance.
Do	George Alexiades Elizabeth, N.J.	DRT-0290	Request for Temporary Stay. If granted: George Alexiades would receive a temporary stay of July 5, 1979, Interim Remedial Order for Immediate Compliance issued by the Economic Regulatory Administration Region II.
Do	Kirschner Brothers Oil Co., Washington, D.C.	DEE-7408	Allocation Exception. If granted: Kirschner Brothers Oil Co. would receive an exception from the provisions of 10 CFR 211.103 permitting the assignment of an unleaded gasoline supply to be used in the blending of gasoline.
Do	Monsanto Co., Houston, Tex.	DXE-7417	Extension of relief granted in Monsanto Co. 4 Par. (Feb. 9, 1975). If granted: Monsanto Company would be permitted to continue to sell the crude oil produced from Hendrick "A" Field, located in Winkler County, Texas, at stripper well prices.
Do	Monsanto Co. (Hendrick "C" Lease) Winkler County, Tex.	DXE-7421	Extension of Relief granted in Monsanto Co., 4 DOE Par. (Feb. 9, 1975) If granted: Monsanto Company would be permitted to continue to sell the crude oil from the Hendrick "C" Lease, located in Winkler County, Texas, at upper tier ceiling prices.
Do	Oregon State Board of Bar Examiners, Portland, Ore.	DEE-7396	Exception from the provisions of 10 CFR Part 490. If granted: The Oregon State Board of Bar Examiner would receive an exception from the provisions of 10 CFR Part 490, with respect to the Emergency Temperature Building Restrictions.
Do	Soules & McCamish, San Antonio, Tex.	DFA-0518	Appeal of an Information Request Denial. If granted: The DOE's July 2, 1979 Information Request Denial issued by the Director of Military Application would be rescinded, and Soules & McCamish would receive access to a document entitled "A History of the Nuclear Weapons Stockpile."
July 20, 1979	Dalton J. Woods, Shreveport, La.	DFD-0222	Motion for Discovery. If granted: Discovery would be granted with respect to Dalton J. Wood's Statement of Objections to a Proposed Remedial Order (Case No. DRD-0222).
Do	Texdel Petroleum Corp., Washington, D.C.	DRD-0200 DRH-0200	Motion for Evidentiary Hearing; Motion for Discovery. If granted: An evidentiary hearing would be convened and Discovery would be granted with respect to the Statement of Objections submitted by Texdel Petroleum Corporation and IU International Oil & Gas, Inc., to a Proposed Remedial Order.

## Notices of Objection Received

[Week of July 13, through July 20, 1979]

Date	Name and Location of Applicant	Case No.
7/13/79	Konwood Texaco, Duluth, Minn.	DEO-0276
7/16/79	Big K Oil Co. Hattiesburg, Miss.	DEE-2494
7/16/79	Ron's Shell Service, Inc., Martinez, Calif.	DEE-5912
7/18/79	Wally's Oil Co., Wilton, Minn.	DEE-1291
7/17/79	Norm's MFA, Highland, Ill.	DEO-0280
7/15/79	Ferguson Service, Ferguson, Mo.	DEE-2511
7/18/79	Bayside Exxon, Virginia Beach, Va.	DEO-0285
7/19/79	Navin's Service, Inc., Allentown, Wis.	DEO-0287
7/20/79	Town & Country Food Markets, Wichita, Kans.	DEE-2863

## List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

[Week of July 13 through July 20, 1979]

If granted: the following firms would receive an exception from the activation of the standby petroleum product allocation regulations with respect to motor gasoline.

July 13, 1979

Breton Shell, DEE-7210, Michigan.

Bighton Auto Body &amp; Repair Inc., DEE-7235, Massachusetts.

Bubber's Exxon, DEE-7241, Tennessee.

Burton Gulf, DEE-7212, New Jersey.

Catheys Valley Co., DEE-7216, California.

City or Port Clinton, DEE-7234, Ohio.

Colburn's Shell service, DEE-6137, Michigan.

Cove Exxon, DEE-7229, Oregon.

Dollar Rent-A-Car, DEE-7215, Colorado.

Dunston Enterprises, Inc., DEE-7236, Virginia.

Eagle's Chevron Service, DEE-7233, Montana.

Fina Jobbers Association, Inc., DEE-5568, Virginia.

Grasso, Albert A., DEE-7221, California.

Jo Mao Car Wash, DEE-7230, California.

McBrayer, D.L., DEE-7240, California.

Mr. Clean Car Wash, Inc., DEE-7224, Louisiana.

Nome Quick Stop, DEE-7232, Texas.  
 Perry Alexander Construction, DEE-7225,  
 North Carolina.  
 Polanco Service Station, Inc., DEE-7228, New  
 York.  
 Quincy Oil, Inc., DEE-7213, Massachusetts.  
 Refiner's Oil Company, DEE-7238, North  
 Dakota.  
 Santa Cruz Fina Station #25, DEE-7242,  
 Florida.  
 Spandau Certified Auto Repairs, DEE-7222,  
 New York.  
 Spangler Oil Co., DEE-7223, Pennsylvania.  
 Steve Lane Sunoco, DEE-7243, Ohio.  
 Wayne Tipton Grocery, DEE-7231, North  
 Carolina.  
 Winther Chevron, DEE-7211, California.  
 Wolfe's Arco, DEE-7226, Pennsylvania.

July 16, 1979

Airport "66" Service, DEE-7248, Utah.  
 Armstrong, Tom, DEE-7264, California.  
 Ballentine Gulf, DEE-7244, South Carolina.  
 Bro Len Service Center, DEE-7255,  
 Massachusetts.  
 Car Shine Auto Wash, DEE-7374, Ohio.  
 Centreville Oil Company, Inc., DEE-7278,  
 Alabama.  
 Chiles Oil, Inc. DEE-6612, Tennessee.  
 Christy's Market, Inc., DEE-7389,  
 Massachusetts.  
 Chuck Diehl Oil Service, Inc., DEE-7381,  
 Indiana.  
 Cumberland Parkway Standard, DEE-7257,  
 Kentucky.  
 Cundiff Oil Company, Inc., DEE-7375, New  
 Jersey.  
 David Steward's Arco Service, DEE-7194,  
 California.  
 Dillon Falls Store, DEE-7261, Ohio.  
 E & B Oil Co., Inc., DEE-7260, North Carolina.  
 Economy Oil Co., DEE-7373 North Carolina.  
 Forrest General Chevron Service, DEE-7274,  
 Mississippi.  
 Fort Peck Super Service, DEE-7458, Montana.  
 Garland Brothers Pet. Products, DEE-7253,  
 Texas.  
 Gary Hanson's Exxon Station, DEE-7251,  
 Colorado.  
 Geiger's Sunoco, DEE-7258, Pennsylvania.  
 Harbor Service Center, DEE-7245, California.  
 Hawthorne Lane Shell Service, DEE-7403,  
 North Carolina.  
 Hughes Tool Company, DEE-7382, Texas.  
 Kar Clinic, DEE-7277, Pennsylvania.  
 Ketzenberg Oil Co., DEE-7378, New Jersey.  
 Ladysmith Gulf, DEE-7263, Virginia.  
 Lowry's Gulf, DEE-7269, Georgia.  
 Lynn Smith's Arco Mini Mart DEE-7250,  
 California.  
 Malone-Cook Gulf Station, DEE-7266,  
 Arkansas.  
 Mid-County Distributors, DEE-7270,  
 California.  
 Miller, Edford C., DEE-7268, Oregon.  
 North Miami Beach Fina, DEE-7249, Florida.  
 Perdue, Franklin P., DEE-7380, Maryland.  
 Plainfield Auto Sales & Service, DEE-7265,  
 Connecticut.  
 Pocono Airlines, Inc., DEE-7450,  
 Pennsylvania.  
 Ray's Standard, DEE-7460, Montana.  
 Reeves, Ray W., DXE-7409, Georgia.  
 Rodgers Oil Co., DEE-7390, Montana.

Ron's Interstate Chevron, DEE-7256,  
 Colorado.  
 Rucker, Joe, DEE-7247, Alabama.  
 S & E Oil Co., Inc., DEE-7379, Louisiana.  
 Schmidt, John, DEE-5268, Colorado.  
 South College Chevron, DEE-7246, Colorado.  
 The Market Basket, DEE-7360, Tennessee.  
 Tommy's Standard, DEE-7459, Montana.  
 Turner, R.E., DEE-7259, Texas.  
 V & Y Garage, Inc., DEE-7262, Massachusetts.  
 Vantage Petroleum Corp., DEE-7275, New  
 York.  
 Williston Standard, DEE-7271, North Dakota.

July 17, 1979

Aetna Life and Casualty, DEE-7289,  
 Connecticut.  
 Bar Mills Market, 7288, Maine. DEE-7288,  
 Maine.  
 Beal's Car Wash, DEE-7308, Maine.  
 Budget Rent-A-Car of Boston, DEE-7285,  
 Massachusetts.  
 Butch Taylor's Exxon, DEE-7372, South  
 Carolina.  
 Cañon Amoco Service Station, DEE-7361,  
 Maryland.  
 Cedar Stock Resort, DEE-7189, California.  
 Chuck's Exxon, DEE-7362, Alabama.  
 City of Haverhill, DEE-7287, Massachusetts.  
 City of Murray, DEE-7352, Kentucky.  
 Crossroads Service, DEE-7281, North Dakota.  
 Darcy Automotive Service, DEE-7349,  
 Massachusetts.  
 Estrellita Estates Co., DEE-7398, California.  
 Fairview Marina, DEE-7384, California.  
 Fischer's Service Station, Inc., DEE-7418,  
 Rhode Island.  
 Fredette Chevrolet, Inc., DEE-7307, Vermont.  
 Grasso's Olneyville Gulf, Inc., DEE-7299,  
 Rhode Island.  
 Jim's Service Station, Inc., DEE-7291,  
 Massachusetts.  
 John's Gulf Service, DEE-7305,  
 Massachusetts.  
 Johnson's Texaco, DEE-7394, New Jersey.  
 Ken's Exxon, DEE-7309, Connecticut.  
 M & M Redemption Center, DEE-7283,  
 Vermont.  
 Mac's Exxon, DEE-7298, Vermont.  
 Main Street Shell, DEE-7295, Massachusetts.  
 Main Street Texaco, DEE-7292,  
 Massachusetts.  
 Maranatha Exxon, U.S.A., DEE-7344, Rhode  
 Island.  
 Marty's Amoco, DEE-7354, Maryland.  
 Marty's Service, DEE-7280, California.  
 McKenney's Tire Center, DEE-7290, Maine.  
 Mityas, Mousa, DEE-7304, Connecticut.  
 Montpelier Amoco, DEE-7346, Vermont.  
 Nick's Gulf, DEE-7303, Massachusetts.  
 North of the Border Shell, DEE-7286,  
 Vermont.  
 Pawcatuck Chevron, DEE-7341, Connecticut.  
 Pitstop #3 Gas & Food Mart, DEE-7376,  
 Illinois.  
 Recreation Plus, Inc., DEE-7164, California.  
 Red Clay Creek Exxon, DEE-7347, Delaware.  
 Roadrunner Food Mart, Inc., DEE-7393,  
 Louisiana.  
 Run's Amoco Service Station, DEE-7355,  
 Massachusetts.  
 Rose's Oil Service, Inc., DEE-7293,  
 Massachusetts.

Rousseau's Texaco, DEE-7348, Connecticut.  
 Sittard Service Station, DEE-7300,  
 Massachusetts.  
 Stockbridge Gulf Station, DEE-7284,  
 Massachusetts.  
 Telly's Arco, DEE-7306, Massachusetts.  
 Terry's Gulf Service, DEE-7351, Arkansas.  
 The Brewer Co. of Florida, Inc., DEE-7282,  
 Florida.  
 The Lighthouse Mobil, DEE-7353, California.  
 Warton, Clyde Sr., DEE-7302, Vermont.  
 Wesco, Inc., DEE-7297, Vermont.  
 White River Shell, DEE-7321, Vermont.  
 Winnie's Auto Service DEE-7296,  
 Massachusetts.

July 18, 1979

Ah Tye Brothers Shell, DEE-7367, California.  
 Al's Mobile Service Station, DEE-7868,  
 Michigan.  
 Borders Summit Market, DEE-7369, Kentucky.  
 Center 66 Service, DEE-7588, Nebraska.  
 Emil's Arco, DEE-7365, California.  
 Jacob, Vahid S., DEE-7343, Massachusetts.  
 Nick's Marina, DEE-7368, New York.  
 South Hill Inc., DEE-7342, Connecticut.  
 Wilsey Auto Service, Inc., DEE-7358, Florida.

July 19, 1979

Abraham Oil Company, DEE-7397, Texas.  
 Calfee Company of Dalton, Inc., DEE-7383,  
 Georgia.  
 Dedham Servicenter, Inc., DEE-7294,  
 Massachusetts.  
 Harvey's Arco & Mini-Mart, DEE-7407,  
 California.  
 Linke Brothers, Inc., DEE-7399, New Jersey.  
 Malcolm Black Associates, Inc., DEE-7401,  
 Connecticut.  
 Palm Oil Company, Inc., DEE-7461,  
 California.  
 Pomperaug Shell, DEE-7462, Connecticut.  
 River Oaks Amoco, DEE-7400, Virginia.  
 S. Nuccio & W. H. Gebhardt, DEE-7408,  
 Illinois.  
 White Petroleum, DEE-7395, Indiana.  
 Yarber's Marathon Service, DEE-7405,  
 Indiana.

July 20, 1979

Borrelli Chevron Service, DEE-7416,  
 California.  
 Davis Gulf Station, DEE-7410, Arkansas.  
 Discount Texaco, DEE-7411, California.  
 Harvey Company, DEE-7413, Connecticut.  
 Kentwood Spring Water, Inc., DEE-7413,  
 Louisiana.  
 Lyman, W. H., DEE-7412, Massachusetts.

July 22, 1979

Murphy's Red Horse Service Sta, DEE-7345,  
 Massachusetts.

July 23, 1979

Anlee Service Station, DEE-7432, New York.  
 Atso Service Center, DEE-7431, Virginia.  
 Baden Texaco, DEE-7464, Maryland.  
 Beisaw's Garage, DEE-7422, Maine.  
 Brien Oil Co., DEE-7444, Massachusetts.  
 Burke Auto Service, Inc., DEE-7419,  
 Massachusetts.  
 C.L. Butler Garage & Service Sta, DEE-7465,  
 Pennsylvania.  
 Central Delivery Service Mass., DEE-7423,  
 Massachusetts.



Chateau Oil Company, DEE-7637, Texas.  
Development Service, DEE-7267,  
Pennsylvania.  
Dick's Texaco Service, DEE-7438, California.  
East Street Gulf, DEE-7484, Massachusetts.  
Economy Amoco, DEE-7448, Massachusetts.  
Gengarely's Hillcrest, DEE-7421,  
Connecticut.  
Gozzos Service Center S.Windsor, DEE-7445,  
Connecticut.  
Hamner Oil Company, DEE-7430, Texas.  
Hampton Park Exxon, DEE-7440, South  
Carolina.  
John's Getty, DEE-7427, Massachusetts.  
Malco Products, Inc., DEE-7455, Ohio.  
Malco Products, Inc., DEE-7456, Ohio.  
Malco Products, Inc., DEE-7457, Ohio.  
McKoon Oil Co., Inc., DEE-7434, Alabama.  
Norman E. Whitney, Inc., DEE-7428, Maine.  
Olen's Texaco, DEE-7446, Louisiana.  
Plasticrete Block & Supply Cor, DEE-7420,  
Connecticut.  
Plymouth Gas House, DEE-7435, North  
Carolina.  
Porter Citgo, DEE-7425, Massachusetts.  
Smather's & Company, DEE-7441, Kentucky.  
SPC Service Co., Inc., DEE-7426,  
Massachusetts.  
The Village Market, DEE-7442, Maine.  
Vernon Auto Wash, Inc., DEE-7447,  
Connecticut.  
Winsted Arco, DEE-7424, Connecticut.  
Wright & Wright Auto Repair, DEE-7437,  
California.

July 24, 1979

Arnold Shell, DEE-7478, Nevada.  
Augusta Road Exxon, DEE-7471, South  
Carolina.  
Beckham and Sons Phillips 66 Ser, DEE-7404,  
Kentucky.  
Bell Meade Shell, DEE-7474, South Carolina.  
Bohannon, Lewis, DEE-7451, Florida.  
Bolin, Louie B., DEE-7472, South Carolina.  
Briarwood Gulf, DEE-7454, Mississippi.  
Bryson's Gulf Service, DEE-7443, North  
Carolina.  
Charles Brown Oil Company, DEE-7107,  
Florida.  
Enriquez, Servando, DEE-7475, California.  
Grove Auto Service Center, DEE-7436, New  
Jersey.  
Holtz Service, DEE-7479, Wisconsin.  
Joe and Bill's, DEE-7483, Alabama.  
Kellest, T.C., DEE-7470, South Carolina.  
Kobeissi Automotive, DEE-7477, California.  
Mat Hurwitz & Sons, DEE-7482,  
Massachusetts.  
Mr. K Exxon, DEE-7463, South Carolina.  
New Orleans Steveorinf, Co., DEE-5583,  
Louisiana.

P & W Oil Company, Inc., DEE-7439, Virginia.  
Power Test Corporation, DEE-7481, District  
of Columbia.  
Reves, Bobby, DEE-7469, South Carolina.  
Scott's Mini-Market, DEE-7480,  
Pennsylvania.  
Smith's Gulf Station, DEE-7476, Arkansas.  
South Bay Shell, DEE-7489, California.  
Sue Shelton's Texaco, DEE-7488, Alabama.  
Wells Fargo Armored Service, DEE-7501,  
Louisiana.  
Whipple 17 Mobil, DEE-7414, California.  
William L. Gibbs Shell, DEE-7473, South  
Carolina.

July 25, 1979

Amber Lubricant Company, Inc., DEE-7505,  
California.  
Deitrick, Lewis E., DEE-7502, Ohio.  
Don's Jiffy Store, DEE-7500, Florida.  
Lin Park Grocery & Hardware, DEE-7508,  
Louisiana.  
Loden Oil Company, DEE-7491, Mississippi.  
Minit Mart, DEE-7462, Kentucky.  
Navy Yard Shell, DEE-7499, District of  
Columbia.  
Oils Incorporated, DEE-7486, Illinois.  
P B C Inc., DEE-7503, Kansas.  
Pollock-Collins Oil Co., Inc., DEE-7497,  
Alabama.  
Pratt Texaco Service, DEE-7498, Ohio.  
Saxon Oil Company, Inc., DEE-7504,  
Alabama.  
Sligo General Store, DEE-7487, Pennsylvania.  
Thorton, Roger, DEE-7492, Montana.  
Tony's Texaco, Inc., DEE-6341, Florida.  
Tri-City Rentals, Inc., DEE-7494, Tennessee.  
Vermont Morgan Corp., DEE-7618, Vermont.  
Willis Gap General Store, DEE-7493,  
Virginia.

July 26, 1979

Ball Shell Service, DEE-6156, North Carolina.  
Bill's Service Center, DEE-7509, Minnesota.  
City of Ann Arbor, Michigan, DEE-1980,  
Michigan.  
Clark's Automotive Service, DEE-7512,  
Arkansas.  
Dixie Oil Co. of Al, Inc., DEE-7513,  
Mississippi.  
Enka Shell Service, DEE-7516, North  
Carolina.  
Frank Greiner Welding & Fabricat, DEE-7466,  
Pennsylvania.  
J.A. Nere Company, Inc., DEE-7515, Virginia.  
Len's Self service & Mini Shop, DEE-7490,  
Illinois.  
Limehouse Gulf Station, DEE-7511, South  
Carolina.  
Monk's Shoppette, DEE-7514, Georgia.  
Rich's Shell Service, DEE-7510, California.  
Ron's Skelly Service, DEE-7641, Iowa.

Wise Oil & Fuel, Inc., DEE-7564, Maryland.  
Yellow Cab Co., DEE-7536, Illinois.  
July 27, 1979

Bullock's Exxon, DEE-7541, Ohio.  
City of Ely, Minnesota, DEE-7737, Minnesota.  
City of Santa Fe Springs, DEE-7531,  
California.  
Gas N Groceries, DEE-7523, North Carolina.  
Gas N Groceries, DEE-7524, North Carolina.  
Gas N Groceries, DEE-7525, North Carolina.  
Gas N Groceries, DEE-7526, North Carolina.  
Hearn Circle Shell, DEE-7522, South  
Carolina.  
Hess Gulf Service Station, DEE-7521,  
Maryland.  
John's Standard Service, DEE-7520, Georgia.  
Murphy's Service, DEE-7529, Kansas.  
Purser Oil Company, DEE-7530, Georgia.  
Ray's Auto Station, DEE-7528, Rhode Island.  
Ruscon Big C Stores, DEE-7532, Alabama.  
Ruscon Big C Stores #2, DEE-7587, Alabama.  
Steamboat Springs Station #1, DEE-7534,  
Colorado.

Items Retrieved 266

[FR Doc. 79-34935 Filed 11-15-79; 8:45 am]

BILLING CODE 6450-01-M

### Notice of Cases Filed With the Office of Hearings and Appeals; Week of August 24, 1979, through August 31, 1979

Notice is hereby given that during the week of August 24, 1979 through August 31, 1979 the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under the DOE's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the DOE action sought in such cases may file with the DOE written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Melvin Goldstein,  
Director, Office of Hearings and Appeals.  
October 31, 1979.

### List of Cases Received by the Office of Hearings and Appeals

[Week of Aug. 24, 1979, through Aug. 31, 1979]

Date	Name and location of applicant	Case No.	Type of submission
Aug. 24, 1979	H & H Manhattan, New York, N.Y.	DEE-7971	Price Exception. If granted: H & H Manhattan would be granted an exception from the provisions of 10 CFR 430; therefore, the firm would be permitted to sell motor gasoline above the applicable ceiling price.
Do	Marathon Oil Co., Findlay, Ohio	DEE-6387	Motion for Discovery. If granted: Discovery would be granted to Marathon Oil Co. in regard to U.S. Oil Co. Application for Exception.
Do	Texaco (Saber), White Plains, N.Y.	DEA-0608	Appeal of Allocation Order. If granted: The June 29, 1979 Allocation Order issued to Saber Refining Co. by the Economic Regulatory Administration regarding its application for an Emergency Supplemental Allocation under the Buy/Sell Program would be rescinded.

## List of Cases Received by the Office of Hearings and Appeals—Continued

[Week of Aug. 24, 1979, through Aug. 31, 1979]

Date	Name and location of applicant	Case No.	Type of submission
Do	Texaco (Tipperary), White Plains, N.Y.	DEA-0611	Appeal of Allocation Order. If granted: The June 29, 1979, Allocation Order issued by the Economic Regulatory Administration to Tipperary Refining Co. regarding its application for Emergency Supplemental Allocation under the Buy/Sell Program would be rescinded.
Do	Texaco (United Refining Co.), White Plains, N.Y.	DEA-0608	Appeal of Allocation Order. If granted: The June 29, 1979, Allocation Order issued by the Economic Regulatory Administration to United Refining Co. regarding the firm's application for an Emergency Supplemental Allocation under the Buy/Sell Program would be rescinded.
Do	Texaco (Western Refining Co.), White Plains, N.Y.	DEA-0610	Appeal of Allocation Order. If granted: The June 29, 1979 Allocation Order issued by the Economic Regulatory Administration to Western Refining Co. regarding the firm's application for Emergency Supplemental Allocation under the Buy/Sell Program would be rescinded.
Aug. 27, 1979	Akin, Gump, Hauer, Feld, Washington, D.C.	DFA-0615	Appeal of Denial of Information Request. If granted: The July 27, 1979 denial of a Request for Information would be rescinded, and requested information would be released to Akin, Gump, Hauer, Feld.
Do	Chevron USA, Inc. (Kingsport Fuels), San Francisco, Calif.	DEA-0608 DES-0606 DST-0606	Appeal, Stay, Temporary Stay of Temporary Assignment Order. If granted: The June 28, 1979 Assignment Order issued by ERA Region IV to Kingsport Fuels, Inc. increasing Chevron USA, Inc.'s supply obligations to the firm would be rescinded. Chevron, USA would be granted a stay and temporary stay pending a final determination on its appeal.
Do	Chevron USA, Inc. (Mountain), San Francisco, Calif.	DEA-0605 DES-0605 DST-0605	Appeal of Assignment Order, Request for Stay and Temporary Stay. If granted: The June 28, 1979 Assignment Order issued by the ERA Region IV to Mountain Empire Oil Co., increasing Chevron USA, Inc.'s supply obligations to the firm, would be rescinded. Chevron USA would be granted a stay and temporary stay pending a final determination of its Appeal.
Do	Cortlandt Servicenter, East Bronx, N.Y.	DEE-7996	Price Exception. If granted: Cortlandt Servicenter would be granted an exception from the provisions of 10 CFR 212; therefore, the firm would be permitted to sell motor gasoline above the applicable selling price.
Do	Edwin L. Cox, Jefferson Davis Parish, La.	DXE-7976	Price Exception (section 212.73). If granted: Edwin L. Cox would be permitted to continue to sell crude oil from the Seward LeJeune Lease in Jefferson Davis, La. at higher prices than permitted by 10 CFR Section 212.73.
Do	Arthur Destefano, Miami, Fla.	DEE-7970	Exception to Emergency Building Temperature Restrictions. If granted: Arthur Destefano would receive an exception from the provisions of 10 CFR 490, the Emergency Building Temperature Restrictions.
Do	Exxon Co. USA, Washington, D.C.	DEA-0614	Appeal of Assignment Order. If granted: The July 25, 1979, Assignment Order, issued by the Economic Regulatory Administration, to Exxon Co., USA, increasing its supply obligations to Triangle Refining Corp. would be rescinded.
Do	Gulf Oil Corp., Houston, Tex.	DEA-06145	Appeal of Assignment Order. If granted: The July 13, 1979 Assignment Order issued to Gulf Oil Corp. by ERA Region V increasing Gulf Oil Corporation's supply obligations to Salliedine, Inc. would be rescinded.
Do	Shell Oil Co. (Rudy Brother), Houston, Tex.	DEA-0612	Appeal of Assignment Order. If granted: The Aug. 2, 1979 Assignment Order issued by Economic Regulatory Administration to Rudy Brother increasing its supply of motor gasoline from Orting Feed and Supply would be modified.
Do	Shell Oil (Maury Island), Houston, Tex.	DEA-0631	Appeal of an Assignment Order. If granted: The Aug. 2, 1979, Assignment Order issued by Economic Regulatory Administration Region X, to Williams Heating Oil, a Shell jobber, increasing its supply obligations to Maury Island Farming Co. would be rescinded.
Do	Shell Oil (Modern Valley Dairy), Houston, Tex.	DEA-0517	Appeal of an Assignment Order. If granted: The Aug. 3, 1979, Assignment Order issued by Economic Regulatory Administration Region X to Orting Feed & Supply, a Shell distributor, increasing its supply obligations to Modern Valley Dairy would be rescinded.
Do	True Oil Purchasing Co., Casper, Wyo.	DRH-0070	Evidentiary Hearing. If granted: An evidentiary hearing would be convened with respect to the Statement of Objections submitted by True Oil Purchasing Co. in response to a Proposed Remedial Order (DRO-0264) issued to Inexco Oil Co.
Aug. 28, 1979	33rd Street Amoco, Orlando, Fla.	DEA-0618	Appeal of Assignment Order. If granted: The July 26, 1979, Assignment Order issued by the Economic Regulatory Administration Region IV, regarding the firm's base period assignment of motor gasoline would be rescinded.
Do	Champlin Petroleum, Fort Worth, Tex.	DEE-7999	Price Exception. If granted: Champlin Petroleum would be permitted to continue to sell crude oil produced from the State of New Mexico 18 lease, located in Lea County, N. Mex. at higher prices than permitted by 10 CFR 212.
Do	Deminex U.S. Oil Co. Dallas, Tex.	DEE-7994	Exception to the Filing Requirement. If granted: Deminex US Oil Co. would not be required to file Form EIA-149.
Do	Hawaii Automotive, Honolulu, Hawaii	DEE-3662	Price Exception. If granted: Hawaii Automotive would be granted an exception from the provisions of 10 CFR 212, permitting the firm to sell motor gasoline at a higher price than the applicable ceiling price.
Do	S. & S. Gulf Service, Upper Nyack, N.Y.	DEE-7958	Price Exception. If granted: S & S Gulf Service would be granted an exception from the provisions of 10 CFR 212, permitting the firm to sell motor gasoline at a higher price than the applicable ceiling price.
Do	Site Oil Co./Flash Oil Corp. Washington, D.C.	DST-0062	Petition for Special Redress. If granted: The DOE would review a denial by the Chief of the Crude Products Management Branch, Central Enforcement District, Region VII, of a request on behalf of Site Oil Co./Flash Oil Corp. for a 30 Day Extension to respond to a Notice of Probable Violation.
Do	Texas Independent Producers, Houston, Tex.	DEE-7997	Price Exception. If granted: The Texas Independent Producers would receive an exception from the provisions of 10 CFR 212 regarding the certificate provisions of the Mandatory Petroleum Price Regulations.
Do	Vantage Petroleum Corp., Bohemia, N.Y.	DEE-7988	Allocation Exception. If granted: Vantage Petroleum Corp., would receive an exception from the provisions of 10 CFR 211 to permit it to obtain an increased allocation of unleaded motor gasoline for the purposes of blending gasoline.
Aug. 29, 1979	Atlantic Richfield Co., Los Angeles, Calif.	DRZ-0006	Interlocutory Order. If granted: The DOE would issue an interlocutory order setting forth further discovery proceedings involving the firm.
Do	Braintree Electric Light, Braintree, Mass.	DFA-0574	Appeal of Information request denial. If granted: The Aug. 9, 1979 Denial of an Information Request issued by the Office of Enforcement NE District, ERA, would be rescinded and requested information would be released to Braintree Electric Light.
Do	C. J. Associates, Walnut Creek, Calif.	DEE-8002	Allocation Exception. If granted: C. J. Associates would be granted an exception from the provisions of 10 CFR 211; therefore, the firm would receive an increased allocation of unleaded motor gasoline for the purpose of blending gasoline.
Do	Gulf Oil Corp., Houston, Tex.	DRZ-0007	Interlocutory Order. If granted: The DOE would issue an interlocutory order setting forth further discovery proceedings involving the firm.
Do	Louisiana Land & Exploration Co., New Orleans, La.	DRZ-0005	Interlocutory Order. If granted: The Office of Hearings and Appeals would issue an interlocutory order setting forth further discovery proceedings involving the firm.
Do	Marathon Oil Co. Findlay, Ohio	DRZ-0008	Interlocutory Order. If granted: The DOE would issue an interlocutory order setting forth further discovery proceedings involving the firm.

## List of Cases Received by the Office of Hearings and Appeals—Continued

[Week of Aug. 24, 1979, through Aug. 31, 1979]

Date	Name and location of applicant	Case No.	Type of submission
Do.....	Marathon Oil Co., Washington, D.C.....	DEA-0621 thru DEA-0624	Appeal of Four Assignment Orders. If granted: The four July 30, 1979, Assignment Orders issued by the Economic Regulatory Administration Region IV to Marathon Oil Co. increasing the firm's supply obligation to William Pitts Oil Co., Inc., Powell Oil Co., and Gikreath Oil Co. would be rescinded.
Do.....	Miller & Chevalier, Washington, D.C.....	DRA-0617	Appeal of Information request denial. If granted: The Aug. 6, 1979 Denial of an Information Request issued by the General Council of DOE to Miller and Chevalier would be rescinded, granting the firm access to documents in connection with Interpretation 1977-53, issued to Union Oil Co.
Do.....	Mobil Oil Corp., Dallas, Tex.....	DES-0577	Request for Stay. If granted: The June 26, 1979 Assignment Order issued by Economic Regulatory Administration Region VII to Mobil Oil Corp. increasing its supply obligations to Onyx Corp. would be stayed.
Do.....	San Joaquin Refining Co., Newport Beach, Calif.....	DEX-0201	Supplemental Order. If granted: The DOE would review the level of exception relief granted in a Decision and Order issued to San Joaquin Refining Co. (Case No. DXE-1977) to determine whether the relief accorded the firm was appropriate.
Do.....	Standard Oil Co. of California, San Francisco, Calif.....	DRZ-0009	Interlocutory Order. If granted: The DOE would issue an interlocutory order setting forth further discovery proceedings involving the firm.
Do.....	Standard Oil Co. of Indiana, Chicago, Ill.....	DRZ-0011	Interlocutory Order. If granted: The DOE would issue an interlocutory order authorizing further discovery proceedings involving the firm.
Do.....	Standard Oil Co. of Ohio, Cleveland, Ohio.....	DRZ-0010	Interlocutory Order. If granted: The DOE would issue an interlocutory order authorizing further discovery proceedings involving the firm.
Do.....	Standard Oil Co. of Ohio, Cleveland, Ohio.....	DRZ-0025	Interlocutory Order. If granted: Sohio would be permitted to depose Mr. Robert G. Rives, Team Leader in the Office of Special Counsel's Crude Production Audit Division.
Do.....	Texaco, Inc., White Plains, N.Y.....	DRZ-0004	Interlocutory Order. If granted: The DOE would issue an interlocutory order setting forth further discovery proceedings involving the firm.
Do.....	Union Carbide Caribe, Inc., New York, N.Y.....	DMR-0070	Request for Modification/Rescission. If granted: The DOE Aug. 15, 1979, Decision and Order (Case Nos. DEE-2245, DEE-2213, and DEE-3148) would be modified regarding the Naphtha Entitlements Rule, 10 CFR 211.67(d)(5).
Aug. 30, 1979.....	Crown Oil & Wax Co., Frederick, Md.....	DEE-8029	Price Exception. If granted: Crown Oil & Wax Co. would be allowed to discontinue a prior practice of accepting Shell Oil Co. credit cards from its various dealers as a form of immediate cash for the Dealer's purchase of gasoline.
Do.....	Lehigh Oil Co. Inc., Norwich, Conn.....	DST-0069	Request for Temporary Stay. If granted: The Aug. 22, 1979 Assignment Order issued by Economic Regulatory Administration Region I to Lehigh Oil Co., Inc. increasing its supply obligations to retail outlets would be stayed.
Aug. 31, 1979.....	Exxon Co., Washington, D.C.....	DEA-0616 DES-0616	Request for Stay, Appeal of Assignment Order. If granted: The June 30, 1979, Assignment Order, issued by the Economic Regulatory Administration to Exxon Co. increasing the firm's supply obligations to Newman Oil Co. would be rescinded. The firm would receive a stay pending a final determination on its Appeal.

## Notices of Objection Received

[Week of Aug. 24, through Aug. 31, 1979]

Date	Name and Location of Applicant	Case No.
8/27/79.....	Ball Shell Service, Asheville, N.C.....	DEE-6156
8/27/79.....	Baldwin, Ray B., Region VI.....	DEO-0353
8/27/79.....	Double B Oil, Inc., Wichita, Kans.....	DEE-5070
8/27/79.....	West Tire Corp., Mechanicsville, Va.....	DEO-0354
8/27/79.....	Lake Wright Texaco, Richmond, Va.....	DEE-2685
8/28/79.....	B & L Friendly Services, Brooklawn, N.J.....	DEO-0359
8/29/79.....	Reypak, Inc., Westlake Village, Calif.....	DEE-3439
8/29/79.....	Stothard Corporation, Washington, D.C.....	DEE-3990
8/29/79.....	Teledyne Lears, Westlake Village, Calif.....	DEE-3950

## List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

## Week of August 24 through August 31, 1979

If Granted: The following firms would receive an exception from the product allocation regulations with respect to motor gasoline.

## Aug. 24, 1979

Amerada Hess Corp., DEE-7999, District of Columbia.  
Seymour Volunteer Fire Depart., DEE-7959, Tennessee.  
Skee's Exxon, DEE-7960, North Carolina.

## Aug. 27, 1979

Crossroads Gulf Service Station, DEE-7619, Virginia.

Domingo Quevedo, DEE-7879, Texas.

Golden Cross Ambulance, DEE-7902, New Hampshire.

Halifax County, DEE-7984, North Carolina.

Jim Quinn's Texaco, DEE-7985, Pennsylvania.

Owl Construction Co., DEE-7980, California.

Pop's Country Store, DEE-7981, Georgia.

Robert Winston Sunoco, DEE-7961,

Massachusetts.

Telacu, DEE-7982, California.

## Aug. 28, 1979

Bill Johnson's Chevron Service, DEE-7992,

California.

C & G Grocery Co., DEE-7987, Georgia.

Carol Davis Mini-Market, DXE-7977,

California.

E. J. Letard Distributors, DEE-8005, Louisiana.

Empire Container Corp., DEE-7991,

California.

Geesey, James E. Jr., DEE-8001, Pennsylvania.

Navy Exchange, DEE-7990, Connecticut.

Pembek Oil Corporation, DEE-7986,

Connecticut.

Union Oil Co. of Calif., DEE-8021, District of

Columbia.

Union Oil of CA, DEE-8000, District of

Columbia.

Village Blacksmith Chevron, DEE-7949,

Massachusetts.

White's Exxon, DEE-7995, Kentucky.

## Aug. 29, 1979

Four "G" Fuels, DEE-8003, Wyoming.

Herb's Amoco, DEE-8063, District of

Columbia.

Ralph Watson Oil Co., Inc., DEE-8006, Texas.

Tindal Aviation, DEE-8004, Mississippi.

## Aug. 30, 1979

Burke, John P., DEE-8047, Massachusetts.

Dalley's Service Station, DEE-6009, Georgia.

Donabedian Brothers, DEE-8011, New

Hampshire.

Empire Pipe & Development, Inc., DEE-8010,

Florida.

Green Front Service Station, DEE-8013, North

Carolina.

John Chevron Service, DEE-8008, California.

Minit Man Auto Wash, DEE-8048, Michigan.

Tamarack Lodge, DEE-8012, California.

## Aug. 31, 1979

Bayside Marine Corp., DEE-7689,

Massachusetts.

Donahue's Country Store, DEE-8014,

Pennsylvania.

Fred & Joe's ARCO, DEE-8059, California.

Joe's Auto Service Center, DEE-7626, Florida.

Merced Taxi, DEE-8060, California.

Tillman's Plumbing Corp., DEE-8058, Florida.

Warner Hot Springs Resort, DEE-8016,

California.

Items retrieved 43

[FR Doc. 79-34957 Filed 11-15-79; 8:45 am]

BILLING CODE 6450-01-M

# **Issuance of Decisions and Orders; Week of September 24 Through September 28, 1979**

Notice is hereby given that during the week of September 24 through September 29, 1979, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions which were dismissed by the Office of Hearings and Appeals and the basis for the dismissal.

## **Appeals**

*Akin, Gump, Hauer & Feld, Washington, D.C., DFA-0615, freedom of information*

Akin, Gump, Hauer & Feld filed an Appeal from a partial denial by the Assistant Administrator of Regulations and Emergency Planning of the DOE Economic Regulatory Administration of a Request for Information which the firm had submitted under the Freedom of Information Act. In considering the Appeal, the DOE upheld the Assistant Administrator's determination and rejected the requester's claims that (i) the DOE should have sent the firm's request to other authorizing officials, (ii) not all responsive documents were identified, and (iii) the determination erroneously concluded that portions of the request were not reasonably described.

*Braintree Electric Light Department, Braintree, Mass., DFA-0574, freedom of information*

Braintree Electric Light Department filed an Appeal from a partial denial by the Deputy District Manager of the Northeast District of the DOE Economic Regulatory Administration of a Request for Information which the firm had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that portions of one of the documents which were initially withheld under Exemption 4, relating to the amount of overcharges specified in a Notice of Probable Violation, should be released to the public. In all other respects, the Appeal was denied.

*Miller & Chevalier, Washington, D.C., DFA-0617, freedom of information*

Miller & Chevalier filed an Appeal from a partial denial by the DOE Assistant General Counsel for Interpretations and Rulings of a Request for Information which the firm had submitted under the Freedom of Information Act. In considering the Appeal, the DOE determined that three of the withheld documents, which properly qualified under Exemption 3, should nevertheless be released because their disclosure would not be contrary to the public interest. The DOE also determined that the Assistant General Counsel had properly withheld a fourth document under Exemption 5.

## **Requests for Exception**

*Chevron U.S.A., Inc., San Francisco, Calif., DEE-4507, crude oil*

Chevron U.S.A., Inc. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. Exception relief was granted to permit Chevron to sell at upper tier ceiling prices 58.58 percent of the crude oil produced from the Vickers 1-Moynier Pool property.

*Commercial Bottle Gas, Charlotte, N.C., DEE-0968, propane*

Commercial Bottle Gas filed an Application for Exception from the provisions of 10 CFR, Part 212.83 in which the firm sought permission to classify the labor costs that it attributes to services provided by its owner as non-product costs eligible for inclusion in calculating the firm's price for propane. In considering the request, the DOE found that the firm was not suffering a hardship by excluding these costs from the calculation of non-product costs. Accordingly, Commercial's Application for Exception was denied.

*Keystone Propane Service, Inc., Throop, Pa., DEE-2038, propane*

Keystone Propane Service, Inc. filed an Application for Exception from the provisions of 10 CFR, Part 211.9 in which the firm sought the assignment of a new, lower-priced supplier of propane to replace its base period supplier, Pargas, Inc. In considering the request, the DOE found that Keystone was currently able to purchase sufficient quantities of surplus propane from other, lower-priced suppliers. The DOE therefore concluded that Keystone was not currently suffering a hardship or inequity and that the firm's allegations of hardship were speculative and therefore not grounds for exception relief. Accordingly, exception relief was denied.

*Rex Monahan, Sterling, Colo., DXE-7862, crude oil*

Rex Monahan filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would result in an extension of exception relief previously granted and would permit the firm to continue to sell a certain portion of the crude oil which it produces from the Basin Unit at upper tier ceiling prices. *Rex Monahan*, 3 DOE Par. \* \* \* (September 14, 1979). In considering the exception application, the DOE found that Rex Monahan continued to incur increased operating expenses at the Basin Unit and that, in the absence of exception relief, the working interest owners would lack an economic incentive to continue the production of crude oil at that property. In view of this determination and on the basis of the operating data which Rex Monahan had submitted for the most recently completed fiscal period, the DOE concluded that exception relief should be continued to permit Rex Monahan to sell at upper tier ceiling prices 86.28 percent of the crude oil produced from the Basin Unit for the benefit of the working interest owners for a six-month period.

*Universal Mineral Corp., Dallas, Tex., DXE-6938, crude oil*

Universal Mineral Corporation filed an Application for Exception from the provisions of 10 CFR 212.73 in which the firm sought permission to sell the crude oil produced from the Humble-Dowdy Fee Lease located in Duval County, Texas at prices in excess of the ceiling prices permitted by the Mandatory Petroleum Price Regulations. In considering the request, the DOE found that at the applicable ceiling prices the firm would incur an operating loss on the lease and exception relief was necessary to provide the firm with an incentive to continue to produce crude oil. Accordingly, exception relief to the working interest owners was granted.

## **Request for Temporary Exception**

*Cities Service Co., Tulsa, Okla., DEL-8088, gasohol*

The Cities Service Company filed an Application for Temporary Exception from the provisions of 10 CFR 211.83 in which the firm sought a temporary exception in order to allow the firm to market Gasohol as a separate grade of gasoline for cost passthrough purposes. In considering the request, the DOE found that temporary exception relief was warranted based on several strong public policy objectives encouraging the use of Gasohol. Accordingly, temporary exception relief was granted.

## **Request for Stay**

*Lakes Gas Co., Forest Lake, Minn., DRS-0262, propane*

Lakes Gas Company filed an Application for Stay of a Remedial Order pending judicial review. In considering the stay request, the DOE concluded that because the propane that the firm sold remained under price controls, the DOE could make provision for the return of refunds made by Lakes to the marketplace and thus prevent irreparable injury in the event the Remedial Order were set aside. The DOE further found that any delay in implementing the refund provisions of the Remedial Order would adversely affect injured customers. Finally, the DOE concluded that because the issues raised in the judicial proceeding had already been considered by the DOE several times during the course of the administrative enforcement proceeding, there was not a substantial likelihood that Lakes would succeed in having the Remedial Order set aside. The Lakes Application for Stay was therefore denied.

## **Request for Temporary Stay**

*Lehigh Oil Co., Norwich, Conn., DST-0069, motor gasoline*

Lehigh Oil Company filed an Application for Temporary Stay which, if granted, would stay an Assignment Order issued to the firm by the Economic Regulatory Administration, Region I, on August 22, 1979. In considering the Lehigh temporary stay request, the DOE concluded that the Assignment Order does not impose a burden upon either Lehigh or its customers which would cause either to incur an irreparable injury or severe hardship. Accordingly, Lehigh's temporary stay application was denied.

**Supplemental Order**

*Conoco, Inc., Stamford, Conn., DEX-0207, Heating Oil, motor gasoline.*

The DOE issued a Supplemental Order which directs Conoco, Inc. to enter into a prescribed escrow agreement with Bankers Trust Company by a specified date. The Order was found to be appropriate because of Conoco's actions in response to a previous Supplemental Order issued on August 30, 1979.

**Interim Order**

The following firm was granted Interim Exception Relief which implements the relief which the DOE proposed to grant in an order issued on the same date as the Interim Order:

Company name	Location	Case No.
Fields Field Company.	Houston TX	DEN-0003

**Protective Orders**

The following firms filed Applications for Protective Orders. The applications, if granted, would result in the issuance by the DOE of the proposed Protective Order submitted by the firm. The DOE granted the following applications and issued the requested Protective Order as an Order of the Department of Energy:

Company name	Location	Case No.
Marathon Oil Company.	Washington, DC	DED-5462
Murphy Oil Corp.	Washington, DC	DED-0023

**Petitions Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline**

The following firms filed Applications for Exception, Interim Order, and/or Temporary Exception of the provisions of the Motor Gasoline Allocation Regulations. The requests, if granted, would result in an increase in the base period allocation of motor gasoline. The DOE issued Decisions and Orders which determined that the requests be granted:

Company name	Location	Case No.
Bolduc Service Centers.	Ludlow, MA	DEN-4670
Sparkle Car Wash.	San Bernardino, CA	DEN-2761
Monarch Products, Ltd.	Milwaukee, WI	DEN-3666
Weekley's Exxon.	Covina, CA	DEX-0205
Home Oil, Inc.	Washington, D.C.	DEN-4544
Lyon Oil Company.	Charleston, WV	DEN-2684
G & G Oil Company.	Flagstaff, AZ	DEN-4989
Robo of Dayton, Inc.	Dayton, OH	DXE-7451
Shaw's Gulf.	Wallingford, VT	DEN-4316
Abernathy's Exxon.	La Grange, GA	DEN-4327
Ruscon Big/C Stores No. 1 and No. 2.	Talladega, AL	DEN-7587
State of New Jersey (NJ Highway Auth.).	Newark, NJ	DEL-8279
West Texas Gas, Inc.	Midland, TX	DEN-3521

The following firms filed Applications for Exception from the provisions of the Motor Gasoline Allocation Regulations. The requests, if granted, would result in an increase in the base period allocation of motor

gasoline. The DOE issued Decisions and Orders which determined that the requests be denied:

Company name	Location	Case No.
Basic Properties.	Bakersfield, CA	DEE-4259
Ron's Shell.	San Francisco, CA	DEE-5912

**Dismissals**

The following submissions were dismissed without prejudice to refiling at a later date:

Company name	Case No.
Arlene Petroleum Co.	DEE-4854
Arthur Desormoir.	DEE-4339
Barnick's Gulf.	DEE-5402
Chamber Heights Exxon.	DEE-4778
Frittridge Arco.	DEE-3787;
	DEE-3787
Mr. Poolito.	DEE-5728
Oaks Texaco.	DEE-4874
Robert Duncan Gulf.	DEE-5852
Saenz Service.	DEE-5238
Westgate Service.	DEE-4325
Dobe Oil Co. of Alabama.	DEE-7513;
	DEL-0001
Coronado Heights Mobil.	DEE-6615
Fifth Wheel Truck Stop.	DEE-3309
Dunaway, McCarthy, Dye & Steward.	DSG-0084
Kerr-McGee #6589.	DEE-4232
Ware Oil Co., Inc.	DEE-8066
Yousef Safedine.	DST-3628
Joe's Gulf Service.	DEE-6773
Emilio's U.S. Gas.	DEE-5287
Bar Mills Market.	DEE-7288
Pete's Exxon Service.	DEE-6801
Robert Siger.	DEE-6172
Town of Mansfield, Massachusetts.	DEE-6115
Tripp's Service.	DEE-4632
Western Montana Cooperative.	DEE-7003
Charles Wells.	DEE-4746
Al Park Distributing.	DEE-5372
Blacksburg Exxon.	DEE-4911
Cooper's Hess.	DEE-7188
Coast Circle Arco.	DEE-5612
Corbo's Mini-Market.	DEE-8093
D.b.a. Ridgely Mobl.	DEE-3357
Farmers Union Oil.	DEE-7636
Fisher Shell.	DRS-0302
Freeway Texaco.	DRS-0293
Gov. Francis Mobil.	DEE-4007
H. C. Thomson, Jr.	DEE-6193
Holloway's Texaco.	DEE-6702
Knox Oil of Texas.	DEE-6008
Mahoning Farm Bureau Cooperative.	DEE-6333
Phipps Pet., Inc.	DEE-5148
Port Oil Corp.	DEE-5120
Auth Road Texaco.	DEE-6725
Auto-Brite Car Wash.	DES-4641;
	DST-4641
Barry L. Fisher, M.D.	DEE-8271
Besche Oil Company.	DEE-4058
C & S Chemical Company.	DEE-8121
City of Haverhill.	DEE-7287
Corner Food Stores.	DEE-5067
Cory's Gas Stations.	DEE-1908
Danby's Holiday Gulf.	DEE-5651
Derrick's, Inc.	DEE-6343
Duncan Oil Company.	DEE-5111
Frank E. Kraemer.	DEE-6795
Gene's Market.	DEE-6354
General Electric Co.	DEE-3711
Groveland Community Services District.	DEE-6302
James R. Carroll.	DRO-0236
Jerry's Service & Auto Parts.	DEE-7137
Jim Herald.	DEE-4472
Jim's 41 Shell.	DEE-7682
Marvel Heat Corp.	DEE-1989
McKoon Oil Company.	DEE-7434;
	DEE-7434;
	DST-7434
Monger Coal & Oil.	DEE-4807
Nursery Park Gulf.	DEE-7660
Onyx Corporation.	DEE-3280
Pawcatuck Chevron.	DEE-7341
Royal Farm Dairy.	DEE-2700
Salem Oil Company.	DEE-2018
Swindle Brothers Oil.	DEE-7960
T & V Auto Service.	DRS-0268
Terry W. Vincent, M.D.	DEE-8120

Company name	Case No.
Time Oil Co., Inc.	DEE-6611;
	DES-6611
Typhoon Car Washes.	DEE-2790
A. Valle, D.D.S.	DEE-8270
Allen M. Sakler, M.D.	DEE-8194
Arlington Towers Exxon.	DEE-5086
Arthur B. Kramer.	DRT-0290
Boomtown, Inc.	DEE-4583
Brushy Exxon.	DEE-6561
Carl's Chevron.	DEE-3017
Charley Way Arco.	DEE-7171
D. S. Simms Oil.	DEE-6825;
	DEE-6826
Evans Oil Company.	DEE-8069
Fulbright & Jeworski.	DRO-0129;
	DRH-0129
Gulf Oil Corp.	DEE-3272
Landmark, Inc.	DEE-3515;
	DES-3515
Lewis E. Detrick.	DEE-7502
Maguire Inc.	DEE-3423
McKelvey Oil Company.	DEE-3068;
	DES-3068
Mike's Tire & Super Service.	DES-4191
Sunset Oil Co., Ltd.	DES-2909
Val J. Deuterive & Son.	DEE-3796
Waters Oil Company.	DEE-3658
Davis Oil Company.	DEE-5316
Dedham Servicecenter.	DEE-7294
Discount Texaco.	DEE-7411
Highlander Center.	DEE-6560
Krikor Chouchanian.	DEE-3564
Lee's Shell.	DEE-4065
Stroud's Fuel Oil.	DEE-6471
Wolverine Western.	DEE-5072
Young Oil Company.	DEE-3171

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.s.t., except Federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Melvin Goldstein,  
*Director, Office of Hearings and Appeals.*

November 9, 1979.

[FR Doc. 79-35478 Filed 11-15-79; 8:45 am]

BILLING CODE 6450-01-M

**ENVIRONMENTAL PROTECTION AGENCY**

[FRL 1360-3]

**Designation of Biscayne Aquifer as Sole Source Aquifer; Meeting**

The Environmental Protection Agency (EPA) has designated the Biscayne Aquifer of southeastern Florida as a sole source aquifer under Section 1424(e) of the Safe Drinking Water Act.

Section 1424(e) of the Act provides that, from the date of designation, no commitment for Federal financial assistance (through grants, contracts, loan guarantees, etc.) may be entered into for any project which EPA determines may contaminate the aquifer through a recharge zone so as to create a significant hazard to the public health.

To discuss the impact of this designation on the citizens of southeastern Florida, EPA will hold public meetings in the Miami and Sebring area as listed below:

December 10, 1979	December 11, 1979
2:00 pm-4:00 pm	2:00-4:00 pm.
7:00 pm-9:00 pm	7:00-9:00 pm, Ramada Inn.
Agricultural Building	16805 NW 12th Avenue, Miami, Florida.
Highway 27 (South of Sebring), Sebring, Florida	

Further information may be obtained from Don Guinyard, Water Supply Branch, 345 Courtland Street, NE, Atlanta, GA, 30308, (404) 881-3781.

Dated: October 29, 1979.

John A. Little,  
Acting Regional Administrator

[FR Doc. 79-35402 Filed 11-15-79; 8:45 am]  
BILLING CODE 6560-01-M

## FEDERAL COMMUNICATIONS COMMISSION

[Report No. B-2]

### TV Broadcast Application Accepted for Filing and Notification of Cutoff Date

Released: November 13, 1979.

Cut-Off Date: December 31, 1979.

Notice is hereby given that the application listed below is hereby accepted for filing. Because the application listed below is in conflict with applications which were accepted for filing and listed previously as subject to a cut-off date for conflicting applications, no application which would be in conflict with the application listed below will be accepted for filing.

Petitions to deny the application listed below and minor amendments thereto must be on file with the Commission not later than the close of business on December 31, 1979. Any application previously accepted for filing and in conflict with the application listed below may also be amended as a matter of right not later than the close of business on December 31, 1979. Amendments filed pursuant to this notice are subject to the provisions of § 73.3572(b) of the Commission's rules.

BPCT-790622KE, Houma, Louisiana, The Way of Life TV Network, Inc., Channel 11, ERP: Vis. 316 kW: HAAT: 470 feet

Federal Communications Commission.  
William J. Tricarico,  
Secretary.

[FR Doc. 79-35306 Filed 11-15-79; 8:45 am]  
BILLING CODE 6712-01-M

## FEDERAL EMERGENCY MANAGEMENT AGENCY

### Eligibility for Disaster Assistance Under Public Law 93-288

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

**SUMMARY:** The area formerly known as the Canal Zone is no longer eligible for disaster assistance under Public Law 93-288.

**EFFECTIVE DATE:** October 1, 1979.

**FOR FURTHER INFORMATION PLEASE**

**CONTACT:** Sewall H. E. Johnson, Federal Emergency Management Agency (202) 634-7825.

**NOTICE:** The area formerly known as the Canal Zone is no longer eligible for disaster assistance under the Disaster Relief Act of 1974. Assistance under that Act may go to States and local governments. The "Canal Zone" has been included in the definition of a "State" under Section 102(4) of Public Law 93-288 because of the relationship between that area and the United States. With the ratification of the Panama Canal treaties this area became territory within the Republic of Panama on October 1, 1979, and is, therefore, excluded from assistance under the Disaster Relief Act of 1974.

William H. Wilcox,  
Acting Director, Disaster Response and Recovery.

[FR Doc. 79-35361 Filed 11-15-79; 8:45 am]  
BILLING CODE 6718-02-M

## FEDERAL RESERVE SYSTEM

### Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR § 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their

views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than December 7, 1979.

A. Federal Reserve Bank of Cleveland, 1455 East Sixth Street, Cleveland, Ohio 44101:

Mellon National Corporation, Robinson Township, Pennsylvania, (leasing activities; international) to engage, through a subsidiary known as Mellon International Aircraft Leasing Corporation #1, in leasing real or personal property or acting as agent, broker, or advisor in leasing such property, where the lease serves as the functional equivalent of an extension of credit to the lessee, and the transaction provides a sufficient return to compensate the lessor for the full investment in the property plus the estimated cost of financing the property over the term of the lease; making or acquiring for its own account or the account of others, loans or other extensions of credit to be secured by real or personal property; and servicing leases on real or personal property and loans secured by real or personal property for its own account or the account of others. These activities will be conducted at offices in Pittsburgh, Pennsylvania, and serve one foreign air carrier.

B. Federal Reserve Bank of Kansas City, 925 Grand Avenue, Kansas City, Missouri 64198:

Colorado National Bankshares, Inc., Denver, Colorado, (insurance activities; Colorado): to engage, through its subsidiary, Colorado National Insurance Agency, in the sale, as agent, of credit life and credit accident and health



insurance in connection with extensions of credit by Applicant's subsidiaries. Such activities will be conducted at the following offices of Applicant's subsidiaries: Bank of Orchard Mesa, Grand Junction, Colorado; Colorado Bank—Tech Center, Denver, Colorado; East Industrial Bank, Denver, Colorado; and Bank of Glenwood, Glenwood Springs, Colorado. These offices will serve, respectively, the cities and suburban areas of Grand Junction and Orchard Mesa; the southeastern portion of the City and County of Denver, and the western portion of Arapahoe County; the southeastern portion of the City and County of Denver; and the eastern portion of Garfield County, and the western portion of both Eagle County and Pitkin County, Colorado.

**C. Other Federal Reserve Banks:**  
None.

Board of Governors of the Federal Reserve System, November 7, 1979.

William N. McDonough,  
*Assistant Secretary of the Board.*

[FR Doc. 79-35395 Filed 11-15-79; 8:45 am]

BILLING CODE 6210-01-M

**Callao Bancshares, Inc.; Formation of Bank Holding Company**

Callao Bancshares, Inc., Callao, Missouri, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 95 per cent of the voting shares of Callao Community Bank, Callao, Missouri. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

Callao Bancshares, Inc., Callao, Missouri, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR § 25.4(b)(2)), for permission to acquire A. H. Allen Insurance Agency, Callao, Missouri.

Applicant states that the proposed subsidiary would engage in the sale, as agent, of credit life, and credit accident and health insurance in connection with the extension of credit by Callao Community Bank. These activities would be performed from offices of Applicant's subsidiary in Callao, Missouri, and the geographic areas to be served are Macon County and the western portion of Shelby County, Missouri. Such activities have been specified by the Board in 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in

accordance with the procedures of section 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than December 7, 1979.

Board of Governors of the Federal Reserve System, November 7, 1979.

William N. McDonough,  
*Assistant Secretary of the Board.*

[FR Doc. 79-35424 Filed 11-15-79; 8:45 am]

BILLING CODE 6210-01-M

**Carthage Holding Co., Inc.; Formation of Bank Holding Company**

Carthage Holding Company, Inc., Carthage, South Dakota, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 93.8 per cent of the voting shares of Farmers State Bank, Carthage, South Dakota. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than December 10, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 8, 1979.

William N. McDonough,  
*Assistant Secretary of the Board.*

[FR Doc. 79-35364 Filed 11-15-79; 8:45 am]

BILLING CODE 6210-01-M

**Control Union Corp.; Formation of Bank Holding Company**

Control Union Corporation, Stillwater, Oklahoma, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of The First National Bank and Trust Company of Stillwater, Stillwater, Oklahoma. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

Control Union Corporation, Stillwater, Oklahoma, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR § 225.4(b)(2)), for permission to acquire voting shares of First Union Corporation, Stillwater, Oklahoma.

Applicant states that the proposed subsidiary would engage in insurance, finance company, and mortgage banking activities. These activities would be performed from offices of Applicant's subsidiary in Stillwater, Oklahoma, and the geographic areas to be served are Logan, Lincoln, Pawnee, and Noble Counties, Oklahoma. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than December 7, 1979.

Board of Governors of the Federal Reserve System, November 7, 1979.

William N. McDonough,

*Assistant Secretary of the Board.*

[FR Doc. 79-35392 Filed 11-15-79; 8:45 am]

BILLING CODE 6210-01-M

### **First Tennessee National Corp.; Proposed Retention of Norlen Life Insurance Co., Phoenix, Ariz.**

First Tennessee National Corporation, Memphis, Tennessee, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulations Y (12 CFR § 225.4(b)(2)), for permission to retain voting shares of Norlen Life Insurance Company, Phoenix, Arizona.

Applicant states that the subsidiary would engage in the activities of underwriting, as reinsurer, credit life, accident and health, and disability insurance related to extensions of credit by Applicant's banking subsidiaries. These activities would be performed in Phoenix, Arizona, and the geographic area to be served is Tennessee. Such activities have been specified by the Board in § 225.4 (a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than December 6, 1979.

Board of Governors of the Federal Reserve System, November 6, 1979.

William N. McDonough,

*Assistant Secretary of the Board.*

[FR Doc. 79-35421 Filed 11-15-79; 8:45 am]

BILLING CODE 6210-01-M

### **Lindsay State Co.; Formation of Bank Holding Company**

Lindsay State Company, Lindsay, Nebraska, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of The Bank of Lindsay, Lindsay, Nebraska. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than December 10, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 8, 1979.

William N. McDonough,

*Assistant Secretary of the Board.*

[FR Doc. 79-35391 Filed 11-15-79; 8:45 am]

BILLING CODE 6210-01-M

Applicant states that the proposed subsidiary would engage *de novo* in the activities of underwriting credit accident and health insurance directly related to extensions of credit by certain of Applicant's credit granting subsidiaries. These activities would be performed from offices of Applicant's subsidiary in Florence, South Carolina, and the geographic areas to be served are the States of South Carolina and North Carolina. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than December 6, 1979.

William N. McDonough,

*Assistant Secretary of the Board.*

[FR Doc. 79-35393 Filed 11-15-79; 8:45 am]

BILLING CODE 6210-01-M

### **Sullivan County Bancshares, Inc.; Formation of Bank Holding Company**

Sullivan County Bancshares, Inc., Winigan, Missouri, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Citizens Bank of Winigan, Winigan, Missouri. The factors that are considered in acting on the application

### **NCNB Corp.; Proposed Retention of Superior Insurance Co.**

NCNB Corporation, Charlotte, North Carolina, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR § 225.4(b)(2)), for permission to retain voting shares of its indirect subsidiary, Superior Insurance Company, Florence, South Carolina.

are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than December 7, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 7, 1979.

William N. McDonough,

*Assistant Secretary of the Board.*

[FR Doc. 79-35395 Filed 11-15-79; 8:45 am]

BILLING CODE 6210-01-M

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

[Docket No. 76G-0367]

#### American Feed Manufacturers Association, Inc.; Petition for Affirmation of GRAS Status

##### Corrections

In FR Doc. 79-34165 appearing at page 64117 in the issue for Tuesday, November 6, 1979, second column, the comments due date should read "January 7, 1980"; and in the third column, second line, "921" should read "(21"; and in the second line of the last paragraph, "January 7, 1979" should read "January 7, 1980".

BILLING CODE 1505-01-M

### Advisory Committees; Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

**SUMMARY:** This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meetings are announced:

Committee name	Date, time, and place	Type of meeting and contact person
1. Technical Electronic Product Radiation Safety Standards Committee.	December 5, 9 a.m., Rm. 416, 12720 Twinbrook Pkwy., Rockville, MD.	Open public hearing 9 a.m. to 10 a.m.; open committee discussion 10 a.m. to 4:30 p.m.; Zorach R. Glaser (HFX-460), 5600 Fishers Lane, Rockville, MD 20857, 301-443-3428.

**General function of the Committee.** The Committee advises on technical feasibility, reasonableness, and practicability of performance standards for electronic products to control the emission of radiation under 42 U.S.C. 263f(f)(1)(A).

**Agenda—Open public hearing.** Any interested persons may present data, information, or views, orally or in writing, on issues pending before the Committee. Those who desire to make such a presentation should notify the

contact person before November 21, 1979, and submit a brief statement of the general nature of the data, information, or views they wish to present, the names and addresses of proposed participants, and an indication of the approximate time desired for their presentation.

**Open committee discussion.** The Committee will discuss the proposed amendment to the diagnostic X-ray standard dealing with computed tomography (CT) X-ray systems; receive an update on activities under the

Medical Device Amendments involving the Bureau of Radiological Health; Interagency Regulatory Liaison Group Radiofrequency/Microwave committee activities relating to radiofrequency sealers; review Joint Bureau of Radiological Health/Occupational Safety and Health public workshop on radiofrequency sealers, and discuss the Bureau of Radiological Health's proposed reporting requirements on radiofrequency sealers.

Committee name	Date, time, and place	Type of meeting and contact person
2. Endocrinologic and Metabolic Drugs Advisory Committee...	December 6 and 7, 9 a.m., Conference room G and H, Parklawn Bldg., Rockville, MD 20857.	Open public hearing December 6, 9 a.m. to 10 a.m.; open committee discussion December 6, 10 a.m. to 4:30 p.m., December 7, 9 a.m. to 4:30 p.m.; A. T. Gregoire (HFD-130), 5600 Fishers Lane, Rockville, MD 20857, 301-443-3520

**General function of the Committee.** The Committee reviews and evaluates available data on the safety and effectiveness of marketed and investigational prescription drugs for use in endocrine and metabolic disorders.

**Agenda—Open public hearing.** Any interested persons may present data, information, or views, orally or in writing, on issues pending before the Committee.

**Open Committee discussion.** The Committee will discuss clinical and chemical considerations of the new class of purified insulins, and prepublication review of thyroid drugs class labeling.

Committee name	Date, time, and place	Type of meeting and contact person
3. Miscellaneous Internal Drug Products Panel	December 8 and 9, 9 a.m., Holiday Inn, 8120 Wisconsin Ave., Bethesda, MD.	Open public hearing December 8, 9 a.m. to 10 a.m.; open committee discussion December 8, 10 a.m. to 4:30 p.m., December 9, 8:30 a.m. to 3:30 p.m.; John R. Short (HFD-510), 5600 Fishers Lane, Rockville, MD 20857 301-443-6156

**General function of the Committee.** The Committee reviews and evaluates available data on the safety and effectiveness of nonprescription drug products.

**Agenda—Open public hearing.** Any interested persons may present data, information, or views, orally or in writing, on issues pending before the

committee. Those who desire to make such a presentation should notify the contact person before November 30, 1979, and submit a brief statement of the general nature of the data, information, or views they wish to present, the names and addresses of proposed participants, and an indication of the approximate time desired for their presentation.

**Open committee discussion.** The Panel will review data submitted under the over-the-counter (OTC) review's call for data for this Panel (see also 21 CFR 330.10(a)(2)). The Panel will be reviewing, voting upon, and modifying the content of summary minutes and categorization of ingredients and claims.

Committee name	Date, time, and place	Type of meeting and contact person
4. Miscellaneous External Drug Products Panel	December 9 and 10, 9 a.m., Howard Johnson's Motor Lodge, Wheaton, MD.	Open committee discussion December 9, 9 a.m. to 4:30 p.m.; open public hearing December 10, 9 a.m. to 10 a.m.; open committee discussion December 10, 10 a.m. to 4:30 p.m.; John T. McElroy, (HFD-510), 5600 Fishers Lane, Rockville, MD 20857, 301-443-1430.

**General function of the Committee.** The Committee reviews and evaluates available data on the safety and effectiveness of nonprescription drug products.

**Agenda—Open public hearing.** Any interested persons may present data, information, or views, orally or in writing, on issues pending before the

committee. Those who desire to make such a presentation should notify the contact person before December 4, 1979, and submit a brief statement of the general nature of the data, information, or views they wish to present, the names and addresses of proposed participants, and an indication to the approximate time desired for their presentation.

**Open committee discussion.** The Panel will review data submitted under the over-the-counter (OTC) review's call for data for this panel (see also 21 CFR 330.10(a)(2)). The Panel will be reviewing, voting upon, and modifying the content of summary minutes and categorization of ingredients and claims.

Committee name	Date, time, place	Type of meeting and contact person
5. Physical Medicine Devices Section of the Surgical and Rehabilitation Devices Panel.	December 12 and 13, 9 a.m., room 1813, 200 C St. SW., Washington, DC.	Open public hearing December 12, 9 a.m. to 10 a.m.; open committee discussion December 12, 10 a.m. to 5 p.m.; December 13, 9 a.m. to 5 p.m.; Johnnie W. Bailey (HFK-410), 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7516.

**General function of the Committee.** The Committee reviews and evaluated available data concerning the safety and effectiveness of devices currently in use and makes recommendation for their regulation.

**Agenda—Open public hearing.** Interested persons are encouraged to present information pertinent to the agenda in this notice. Submission of

data relative to tentative classification findings is also invited. Those desiring to make formal presentations should notify Johnnie W. Bailey by November 28, 1979, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also an indication of

the approximate time required to make their comments.

**Open committee discussion.** The Committee will discuss comments received in response to the proposed regulations for physical medicine devices, which were published in the Federal Register of August 28, 1979 (44 FR 50458). The Committee will also discuss the scoliosis screening device.

Committee name	Date, time, place	Type of meeting and contact person
6. Oral Cavity Panel	December 12, 13, and 14, 9 a.m., Conference Rm. I, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.	Open public hearing December 12, 9 a.m. to 10 a.m.; open committee discussion December 12, 10 a.m. to 4:30 p.m.; December 13, 9 a.m. to 4:30 p.m.; December 14, 9 a.m. to 4:30 p.m.; John T. McElroy (HFD-510), 5600 Fishers Lane, Rockville, MD 20857, 301-443-1430.

**General function of the Committee.** The Committee reviews and evaluates available data on the safety and effectiveness of nonprescription drug products.

**Agenda—Open public hearing.** Any interested person may present data, information, or views orally or in writing, on issues pending before the

Committee. Those who desire to make such a presentation should notify the contact person before December 7, 1979, and submit a brief statement of the general nature of the data, information, or views they wish to present, the names and addresses of proposed participants, and an indication of the approximate time desired for their presentation.

**Open committee discussion.** The Panel will review data submitted under the over-the-counter (OTC) review's call for data for this Panel (see also 21 CFR 330.10(a)(2)). The Panel will be reviewing, voting upon, and modifying the content of summary minutes and categorization of ingredients and claims.

Committee name	Date, time, place	Type of meeting and contact person
7. Dermatology Subcommittee of the Anti-Infective and Topical Drugs Advisory Committee.	December 13 and 14, 9 a.m., Conference rooms G and H, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.	Open public hearing December 13, 9 a.m. to 10 a.m.; open committee discussion December 13, 10 a.m. to 4:30 p.m., December 14, 9 a.m. to 4:30 p.m.; Mary K. Bruch, (HFD-140), 5600 Fishers Lane, Rockville, MD 20857, 301-443-4310.

**General function of the Committee.** The committee reviews and evaluates available data on the safety and effectiveness of marketed and investigational prescription drugs for use in infectious diseases, dermatological disorders, and ocular disease.

**Agenda—Open public hearing.** Any interested persons may present data, information, or views, orally or in writing, on issues pending before the Committee.

**Open committee discussion.** The Committee will discuss Oxsoresalen (NDA 9-048) with ultraviolet light in treating psoriasis; consideration of adrenal suppression studies as part of guidelines for testing topical corticosteroids; discussion of labeling changes for Dapsone that will include the added indication "Dermatitis Herpetiformis"; Clindomycin solution for topical use in acne vulgaris; and discussion of labeling requirements for topical hydrocortisone preparations for OTC use.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum

rather than a maximum time for public participation, and open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this Federal Register notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairperson's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be obtained from the Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

Dated: November 9, 1979.

William F. Randolph,  
Acting Associate Commissioner for  
Regulatory Affairs.

[FR Doc. 79-35319 Filed 11-15-79; 8:45 am]  
BILLING CODE 4110-03-M

[Docket No. 79P-0078]

**Bacitracin Zinc-Polymyxin B Sulfate; Topical Ointment Exemption From Certification**

**AGENCY:** Food and Drug Administration.  
**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) announces approval of the Burroughs-Wellcome Company's petition requesting that its antibiotic drug product Polysporin Topical Ointment (bacitracin zinc-polymyxin B sulfate) be exempted from the batch certification requirements for antibiotic drugs. FDA has reviewed pertinent information and has concluded that the petitioner meets the conditions for exemption specified in the antibiotic drug regulations. FDA has notified the petitioner by letter that the petition has been approved and is issuing this notice in compliance with the regulations.

**EFFECTIVE DATE:** November 16, 1979.

**ADDRESS:** A copy of the petition may be seen at the office of the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

**FOR FURTHER INFORMATION CONTACT:** Nathan M. Kight, Bureau of Drugs (HFD-30), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5220.

**SUPPLEMENTARY INFORMATION:** Section 507(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357(a)) requires batch certification of all antibiotic drugs and their derivatives. To be certified, the drug must have the characteristics of identity, strength, quality, and purity as have been prescribed by regulation as necessary to ensure the safety and efficacy of the drug. Under section 507(c) of the act, the Commissioner of Food and Drugs may issue regulations exempting an antibiotic drug from

certification if the Commissioner concludes that certification is not necessary to ensure the safety and efficacy of use. The antibiotic drug regulations in § 433.1 (21 CFR 433.1) establish procedures for obtaining exemption from batch certification of topical antibiotic drugs.

On March 15, 1979, Burroughs-Wellcome Co., Greenville, NC, filed a petition requesting that Polysporin Topical Ointment (bacitracin zinc-polymyxin B sulfate) be exempt from the batch certification requirements of § 448.513a (21 CFR 448.513a). A copy of the petition is on file at the office of the Hearing Clerk, Food and Drug Administration (address above).

The agency has reviewed the data submitted as part of the petition, as well as the certification history of the drug. Based on authority provided in section 507 of the act, and under the conditions of § 433.1, the agency has concluded that batch certification of Polysporin Topical Ointment, manufactured by Burroughs-Wellcome, is not necessary to ensure the safety and efficacy of the drug.

In accordance with section 507(e) of the act and § 433.1(f), any antibiotic-containing drug for human use exempted under § 433.1 is considered subject to section 505 of the act (21 U.S.C. 355). This action also constitutes an approval of an abbreviated new drug application under § 314.1(f) (21 CFR 314.1(f)) for the exempted antibiotic-containing drug.

The agency has determined that this document does not contain an agency action covered by § 25.1(b) (21 CFR 25.1(b)) and, therefore, consideration by the agency of the need for preparing an environmental impact statement is not required.

The petitioner has been notified that the petition is granted and batch certification of Polysporin Topical Ointment, manufactured at the Burroughs-Wellcome Co., Greenville, NC, facility, is no longer required.

Dated: November 8, 1979.

William F. Randolph,  
Acting Associate Commissioner for  
Regulatory Affairs.

[FR Doc. 79-35322 Filed 11-15-79; 8:45 am]

BILLING CODE 4110-03-M

#### [Docket No. 76N-0002]

#### Diethylstilbestrol; Withdrawal of Approval of New Animal Drug Applications; Commissioner's Decision

##### Correction

In FR Doc. 79-29114 appearing on page 54852 in the issue of Friday, September 21, 1979, make the following changes:

(1) In the first column of page 54853, three lines up from the bottom, ". . . 95 F. 2d, . . ." should have read ". . . 495 F. 2d, . . .".

(2) In the third column of page 54868, third paragraph, 13th line, "(G-212: . . ." should have read "(G-102: . . .".

(3) In the middle column of page 54870, in the third complete paragraph, the ninth line should have read as follows: ". . . above, in Dr. Williams' analysis of the residues detected in the radioisotope tests of DES."

(4) In the third column of page 54870, second full paragraph, second line, ". . . Kilman attacked . . ." should have read ". . . Kilman attacked . . .".

(5) In the first column of page 54876, the nineteenth line from the bottom of the page, should have read as follows: ". . . group are inconsistent with a dose response curve based upon results at higher levels."

(6) On page 54882, third column, the last line of the first complete paragraph should have read ". . . the concept of safety \* \* \*".

(7) On page 54883, middle column, second line of the second full paragraph, ". . . nontherapeutic . . ." should have read ". . . nontherapeutic human . . .". Also, in the third column, the first line of paragraph (d), ". . . Proprietary . . ." should have read ". . . Propriety . . .".

(8) In the first column of page 54886, in both the second and eleven lines from the bottom of the page, change "1969" to read "1968".

(9) In the third column of page 54891, in the 27th line from the top of the page, change ". . . (id. at 6)." to read ". . . (id. at 28)."

BILLING CODE: 1505-01-M

#### [Docket No. 79F-0394]

#### Betz Laboratories, Inc.; Filing of Petition for Food Additive Permitted in Feed and Drinking Water of Animals

AGENCY: Food and Drug Administration.  
ACTION: Notice.

SUMMARY: Betz Laboratories, Inc., Trevose, PA, has filed a petition proposing that the regulations concerning food additives in animal feeds be amended to provide for revised specification for acrylamide-acrylic acid resin as a thickener and suspending agent in nonmedicated aqueous suspensions for animal feeds.

FOR FURTHER INFORMATION CONTACT: Jack C. Taylor, Bureau of Veterinary Medicine (HFV-136), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5247.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP-2175) has been filed by Betz Laboratories, Inc., 4636 Somerton Road, Trevose, PA 19047, proposing that Part 573—Food Additives Permitted in Feed and Drinking Water of Animals be amended in § 573.120 *Acrylamide-acrylic acid resin* to provide that the specification in paragraph (b)(1) for molecular weight be revised from a range of 3 to 6 million to minimum of 3 million.

The environmental impact analysis report and other relevant material are being reviewed to determine whether the proposed use of the additive will have a significant environmental impact. In accordance with the provisions of § 25.25(b) (21 CFR 25.25(b)) of the environmental impact regulations, an environmental impact consideration of the final action on this petition will be addressed in a future publication.

Dated: November 5, 1979

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 79-34993 Filed 11-15-79; 8:45 am]

BILLING CODE 4110-03-M

#### [Docket No. 79F-0354]

#### Lonza, Inc.; Filing of Petition for Food Additive Permitted in Feed and Drinking Water of Animals

AGENCY: Food and Drug Administration.  
ACTION: Notice.

SUMMARY: Lonza, Inc., Fair Lawn, NJ, has filed a petition proposing that the regulations be amended to provide for safe use of a hydrogenated corn syrup as a humectant and plasticizer in pet food.

FOR FURTHER INFORMATION CONTACT: Bob G. Griffith, Bureau of Veterinary Medicine (HFV-112), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3430.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP-2170) has been filed by Lonza, Inc., 22-10 Route 208, Fair Lawn, NJ 07410, proposing that 21 CFR Part 573—Food Additives Permitted in Feed and Drinking Water of Animals be amended to provide for safe use of a hydrogenated corn syrup as a humectant and plasticizer in preparation of semi-moist dog and cat food.



The environmental impact analysis report and other relevant material are being reviewed to determine whether the proposed use of the additive will have a significant environmental impact. In accordance with the provisions of 21 CFR 25.25(b) of the environmental impact regulations, an environmental impact consideration of the final action on this petition will be addressed in a future publication.

Dated November 6, 1979.

Lester M. Crawford,  
*Director, Bureau of Veterinary Medicine.*

[FR Doc. 79-34962 Filed 11-15-79; 8:45 am]

BILLING CODE 4110-03-M

## Health Resources Administration

### Filing of Annual Reports of Federal Advisory Committees

Notice is hereby given that pursuant to section 13 of Public Law 92-463, the Annual Report for the following Health Resources Administration Federal Advisory Committee has been filed with the Library of Congress:

National Advisory Council on Health Professions Education

Copies are available to the public for inspection at the Library of Congress, Special Forms Reading Room, Main Building, or weekdays between 9:00 a.m. and 4:30 p.m. at the Department of Health, Education, and Welfare, Department Library, North Building, Room 1436, 330 Independence Avenue, S.W., Washington, D.C. 20201, Telephone (202) 245-6791. Copies may be obtained from Mr. Robert Belsley, Bureau of Health Manpower, Room 4-27, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, Telephone (301) 436-6564.

Dated: November 9, 1979.

James A. Walsh,  
*Associate Administrator for Operations and Management.*

[FR Doc. 79-35316 Filed 11-15-79; 8:45 am]

BILLING CODE 4110-83-M

### Filing of Annual Reports of Federal Advisory Committees; Correction

In Federal Register Document 79-34162 appearing at page 64119 in the issue for Tuesday, November 6, 1979, the report filed for public inspection at the Library of Congress should read "National Advisory Council on Nursing Training" instead of the "National Advisory Council on Health Professions Education." All other information is correct as it appears.

Dated: November 9, 1979.

James A. Walsh,  
*Associate Administrator for Operations and Management.*

[FR Doc. 79-35317 Filed 11-15-79; 8:45 am]

BILLING CODE 4110-83-M

## Health Services Administration

### Maternal and Child Health and Crippled Children's Services Project Grants to Institutions of Higher Learning; Announcement of Availability of Grants

The Bureau of Community Health Services, Health Services Administration, announces that competitive applications are now being accepted for grants in fiscal year 1980 for specialized training in maternal and child health of several categories of health professionals. The grants are offered under the authority of sections 503(2), 504(2), and 511 of the Social Security Act (42 U.S.C. 703(2), 704(2), and 711) which authorize the Secretary of Health, Education, and Welfare to make grants to institutions of higher learning for that purpose. Regulations for the program appear at 42 CFR Part 51a, Subpart D.

"Institution of higher learning" is defined as any college or university accredited by a recognized body or bodies approved for such purpose by the U.S. Commissioner of Education, and any teaching hospital which has higher learning among its purposes and functions and which has a formal affiliation with an accredited school of medicine and a full-time academic medical staff holding faculty status in such school of medicine.

Grants to eligible applicants may be made by the Secretary for projects which will best promote the purposes of sections 503, 504, and 511 of the Act, taking into account:

1. The relative extent to which the project will contribute to a nationwide distribution of needed services and training with special emphasis on how the applicant will place graduates in State and local health departments and the extent to which the applicant has been successful in recruiting trainees or fellows from minority groups.
2. The capability of the applicant to provide training of high quality and effectiveness.
3. The relative extent to which the project will provide more effective utilization of personnel currently providing health services to mothers and children.
4. The extent to which the project will assist in the development of new information or innovative methods

relating to the provision of maternal and child health and crippled children's services.

5. The degree to which the project would meet the requirements as set forth in the regulations (See 42 CFR 51a.405).

A document regarding intended disbursement of funds is available to applicants from: Research and Training Services Branch, Office for Maternal and Child Health, Bureau of Community Health Services, Health Services Administration, Parklawn Building, Room 7-15, 5600 Fishers Lane, Rockville, Maryland 20857. Telephone: 301-443-2340.

Consultation and technical assistance relative to the development of an application is also available upon request to that address.

Completed applications must be received by January 4, 1980, and will be subject to competitive, objective review. They should be sent to: Grants Management Branch, Bureau of Community Health Services, Health Services Administration, Parklawn Building, Room 8-49, 5600 Fishers Lane, Rockville, Maryland 20857.

The amount available for new and competing renewal maternal and child health training applications under this announcement is \$3,600,000. Approximately 25 grants will be awarded.

Dated: November 5, 1979.

George I. Lythcott,  
*Administrator, Health Services Administration.*

[FR Doc. 79-36435 Filed 11-15-79; 8:45 am]

BILLING CODE 4110-84-M

### Project Grants for Home Health Services; Announcement of Availability of Grants

Notice is hereby given that competitive applications are now being accepted for project grants to develop and expand home health services ("service grants") and for grants for demonstrating the training of home health personnel ("training grants") under the authority of Section 339 of the Public Health Service (PHS) Act (42 U.S.C. 255). It is estimated that \$4,000,000 will be available for service grants and \$1,000,000 for training grants in fiscal year 1980. Approximately 80 service grants and 24 training grants, including continuation and new projects, will be awarded.

#### Development and Expansion of Services

Section 339(a) of the PHS Act authorizes the Secretary to make grants to public and nonprofit private entities

for support of the development and expansion of home health services as defined in Section 1861(m) of the Social Security Act in areas in which such services are not otherwise available. Regulations applicable to these grants, published in the Federal Register on June 3, 1977 (42 FR 28692), state that the Secretary will give preference to approvable applications for projects that will serve catchment areas in which a high percentage of the populations is elderly, medically indigent, or both (referred to below as "preference areas"). See 42 CFR 51e.107.

Applicants which propose to serve preference areas, as defined in the regulations, will receive priority consideration for funding during the first of two funding cycles. However, it is anticipated that funds will be available for both the funding of projects which propose to serve preference areas, and those which propose to serve nonpreference areas in the second funding cycle. For the first funding cycle, February 1, 1980, is the deadline for the receipt of completed applications at the appropriate Regional Office (listed below). For the second funding cycle, the deadline for receipt of completed applications is June 6, 1980. Applications for both funding cycles must be received by the appropriate Health Systems Agency(s) and A-95 clearinghouse(s) at least 60 days before the date applications are due at the Regional Office.

#### *Training of Personnel*

Section 339(b) of the PHS Act authorizes the Secretary to make grants to public and nonprofit private entities to demonstrate the training of professional and paraprofessional personnel to provide home health services. Regulations applicable to these grants were published in the Federal Register on July 20, 1979 (44 FR 42685). See 42 CFR Part 51e, Subpart B.

Applications will be accepted for the training of home health aides or administrative personnel as described in the regulations. April 1, 1980, is the deadline for receipt of grant applications at the appropriate Regional Office. Applications must be received by the appropriate Health Systems Agency(s) and A-95 clearinghouse(s) at least 60 days before the date applications are due at the Regional Office.

Information may be obtained from and completed applications returned to, the representative of the Home Health Services Grant Program at the appropriate Regional Office. The representative may be contacted for consultation and technical assistance relative to development of an

application for a services or training grant.

Dated: November 5, 1979.

**George I. Lythcott, M.D.,**  
*Administrator, Health Services Administration.*

#### **Public Health Service**

##### *Regional Health Administrators*

**Edward J. Montminy, Regional Health Administrator, PHS—Region I, John F. Kennedy Federal Building, Boston, Massachusetts 022023, (617) 223-6827, (FTS: 8-223-6827).**

**Nicholas J. Galluzzi, M.D., Regional Health Administrator, PHS—Region II, 26 Federal Plaza, New York, New York 10007, (212) 264-2560, (FTS: 8-264-2560).**

**H. McDonald Rimple, M.D., M.P.H., Regional Health Administrator, PHS—Region III, P.O. Box 13716, Philadelphia, Pennsylvania 19101, (215) 596-6637, (FTS: 8-596-6637).**

**George A. Reich, M.D., Regional Health Administrator, PHS—Region IV, 101 Marietta Tower, Suite 1007, Atlanta, Georgia 30323, (404) 221-2316, (FTS: 8-242-2316).**

**E. Frank Ellis, M.D., Regional Health Administrator, PHS—Region V, 300 South Wacker Drive, Chicago, Illinois 60606, (312) 353-1385, (FTS: 8-353-1385).**

**James A. Buford, Regional Health Administrator, PHS—Region VI, 1200 Main Tower Building, Dallas, Texas 75202, (214) 655-3879, (FTS: 8-729-3879).**

**Youn Bock Rhee, Regional Health Administrator, PHS—Region VII, 601 East 12th Street, Kansas City, Missouri 64106, (816) 374-3291, (FTS: 8-758-3291).**

**Hilary H. Connor, M.D., Regional Health Administrator, PHS—Region VIII, 1961 Stout Street, Denver, Colorado 80294, (303) 837-4461, (FTS: 8-327-4461).**

**Sheridan L. Weinstein, M.D., Regional Health Administrator, PHS—Region IX, 50 United Nations Plaza, San Francisco, California 94102, (415) 556-5810, (FTS: 8-556-5810).**

**Ms. Dorothy H. Mann, Regional Health Administrator, PHS—Region X, 1321 Second Avenue, Seattle, Washington 98101, (206) 442-0430, (FTS: 8-399-0430).**

[FR Doc. 79-35210 Filed 11-15-79; 8:45 am]  
BILLING CODE 4110-84-M

#### **National Institutes of Health**

##### **Advisory Committee to the Director, NIH; Meeting**

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Advisory Committee to the Director, NIH, on December 4-5, 1979, at the National Institutes of Health, Bethesda, Maryland. The meeting will take place from 9:00 a.m. to 5:00 p.m. on December 4, and from 9:00 a.m. to 1:00 p.m. on December 5, in Building 31, Conference Room 10, C Wing. The entire meeting will be open to the public.

The meeting purpose will be to continue the Committee's examination

of the HEW health research planning process and its application to NIH programs. The Committee will examine the HEW health research planning process as it relates to "stabilizing" support for research project and program project grants, the largest component in NIH support for the Science Base. (At its May meeting the Committee examined the NIH budget according to the "SATT" model; i.e., Science Base, Applications, Technology Transfer, and Training.)

At this meeting stabilizing research projects grants will be examined in terms of possible impact on other NIH programs. Also, in the light of approved HEW Health Research Principles, the Committee will examine issues in longer-range planning, including the need to provide through the NIH dual system of review both for scientific excellence and public participation in policy and priority setting.

The Executive Secretary, Joseph G. Perpich, M.D., J.D., National Institutes of Health, Building 1, Room 137, Bethesda, Maryland 20205, 301-496-3152, will furnish summaries of the meeting, rosters of Committee members and guests, and substantive program information.

Dated: November 6, 1979.

**Suzanne L. Freneau,**  
*Committee Management Officer, NIH.*

[FR Doc. 79-35366 Filed 11-15-79; 8:45 am]  
BILLING CODE 4110-08-M

#### **General Clinical Research Centers Committee; Meeting**

Notice is hereby given of a change in the agenda of the meeting of the General Clinical Research Centers Committee, Division of Research Resources, November 19-20, 1979, which was published in the Federal Register on October 5, 1979, 44 FR 57501.

This meeting was to have convened November 19, 1979, in open session from 9:00 a.m. to 11:00 a.m., and in closed session from 11:00 a.m. to adjournment but has been changed to a closed meeting November 19, 1979 for 9:00 a.m. to recess, open to the public November 20, 1979, from 9:00 a.m. to 11:00 a.m., and closed to the public from 11:00 a.m. to adjournment for the further review, discussion, and evaluation of individual grant applications.

Dated: November 8, 1979.

(Catalog of Federal Assistance Program No. 13.333, National Institutes of Health)

Suzanne L. Freneau,

*Committee Management Officer, National Institutes of Health.*

[FR Doc. 79-35364 Filed 11-15-79; 8:45 am]

BILLING CODE 4110-08-M

### Board of Scientific Counselors, NICHD; meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Child Health and Human Development, December 3, 1979, in Building 31, Room 2A-52. This meeting will be open to the public from 8:30 a.m. to 3:00 p.m. on December 3 for the review of the Endocrinology and Reproduction Research Branch of the Intramural Research Program. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 3:00 p.m. to adjournment on December 3 for the review, discussion, and evaluation of individual programs and projects conducted by the National Institutes of Health, NICHD, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Marjorie Neff, Committee Management Officer, NICHD, Building 31, Room 2A-04, National Institutes of Health, Bethesda, Maryland,

Area Code 301, 496-1848, will provide a summary of the meeting and a roster of Board members. Dr. James Sidbury, Scientific Director, NICHD, Building 31, Room 2A-50, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496-2133, will furnish substantive program information.

Dated: November 8, 1979.

Suzanne L. Freneau,

*Committee Management Officer, NIH.*

[FR Doc. 79-35365 Filed 11-15-79; 8:45 am]

BILLING CODE 4110-08-M

### National Arthritis Advisory Board; Amended Notice of Meeting

Notice is hereby given of cancellation of the Private Sector, the Data, and the Research Work Groups meeting, National Arthritis Advisory Board, which were to have met on December 5, as published in the Federal Register on October 16, 1979, 44 FR 59653.

The full Board meeting on December 6, and the previously published Work Groups meeting on December 5 remain the same; that is, 9:00 a.m. to 5:00 p.m. on December 6, the Board meets at the National Institutes of Health, Building 31, Conference Room 7, Bethesda, Maryland. The times and meeting locations of the Work Groups may be obtained by contacting Mr. William Plunkett, Executive Director, National Arthritis Advisory Board, P.O. Box 30286, Bethesda, Maryland 20014, (301-496-1991).

The entire meeting remains open to the public. Attendance is limited to space available.

Dated: November 8, 1979.

Suzanne L. Freneau,

*Committee Management Officer, National Institutes of Health.*

[FR Doc. 79-35367 Filed 11-15-79; 8:45 am]

BILLING CODE 4110-08-M

### Directions for the Proposed National Digestive Diseases Education and Information Center Conference; Meeting

Notice is hereby given of a Conference, Directions for the Proposed National Digestive Diseases Education and Information Center, sponsored by the National Institute of Arthritis, Metabolism, and Digestive Diseases, National Institutes of Health, Building 1, Wilson Hall, Bethesda, Maryland, January 21, 1980, 9:00 a.m. to 5:00 p.m. The meeting will be open to the public and attendance is limited to space available.

The need for a National Digestive Diseases Education and Information Center (Clearinghouse) was described in the report of the National Commission on Digestive Diseases. The objective of this Conference will be to provide background information in order to prepare an implementation plan for a Center (Clearinghouse).

Interested parties are invited to respond in a two-page typewritten statement of interests, goals, and plans, as well as current and past activities or organizations involved in patient and public education in the area of digestive diseases. These statements, copies of publications, a history of the organization, a summary of media programs for the past year, and a list of educational material including audiovisuals may be sent to Dr. Kirt J. Vener, Health Science Administrator, National Institute of Arthritis, Metabolism, and Digestive Diseases, NIH, Building 31, Room 9A23, Bethesda, Maryland 20205, telephone (301-496-1333) before December 4, 1979.

Further information concerning the Conference may be obtained from the address above.

(Catalog of Federal Domestic Assistance Program No. 13.484, National Institutes of Health)

Dated: November 9, 1979.

Suzanne L. Freneau,

*Committee Management Officer, National Institutes of Health.*

[FR Doc. 79-35368 Filed 11-15-79; 8:45 am]

BILLING CODE 4110-08-M

### Neurological and Communicative Disorders and Stroke Science Information Program Advisory Committee; Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Neurological and Communicative Disorders and Stroke Science Information Program Advisory Committee, National Institutes of Health, on January 7, 1980, in Building 31, Conference Room 9, National Institutes of Health, Bethesda, MD 20205.

The entire meeting will be open to the public from 9:00 a.m. to 5:00 p.m. for the discussion and review of the Institute's scientific information programs and activities. Attendance by the public will be limited to space available.

Sylvia Shaffer, Chief, Office of Scientific and Health Reports, Building 31, Room 8A03, NINCDS, NIH, Bethesda, MD 20205, telephone 301/496-5751, will furnish summaries of the meeting and rosters of committee members.

Mr. Alfred Weissberg, Executive Secretary, NINCDS, NIH, Building 31, Room 8A07, Bethesda, MD 20205, telephone 301/496-9271, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.854, National Institutes of Health)

Dated: November 9, 1979.

Suzanne L. Freneau,

*Committee Management Officer, NIH.*

[FR Doc. 79-35368 Filed 11-15-79; 8:45 am]

BILLING CODE 4110-08

### Office of Education

#### National Advisory Council on Extension and Continuing Education; Meetings

AGENCY: National Advisory Council on Extension and Continuing Education.

ACTION: Notice of Meetings.

SUMMARY: This notice sets forth the schedule and proposed agenda of meetings of the National Advisory Council on Extension and Continuing

Education and its four ad hoc committees. It also describes the functions of the Council. Notice of meetings is required under the Federal Advisory Committee Act (5 U.S.C. Appendix 1, 10(a)(2)). This document is intended to notify the general public of their opportunity to attend the meetings.

**DATE:** December 4-7, 1979.

**ADDRESS:** Tucson Marriott Hotel, 180 West Broadway, Tucson, Arizona 85701.

**FOR FURTHER INFORMATION:** Dr. William G. Shannon, Executive Director, National Advisory Council on Extension and Continuing Education, 425 Thirteenth Street, N.W., Suite 529, Washington, D.C. 20004, Telephone: (202) 376-8888.

The National Advisory Council on Extension and Continuing Education is authorized under Public Law 89-329. The Council is required to report annually to the President, the Congress, the Secretary of HEW, and the Commissioner of Education in the preparation of general regulations and with respect to policy matters arising in the administration of Part A of Title I, (HEA), including policies and procedures governing the approval of State plans under Section 105; and to advise the Assistant Secretary of HEW on Part B (Lifelong Learning Activities) of the title.

Meetings of the Council are open to the public. However, because of limited space, those interested in attending any meeting are asked to write or call the Council's office beforehand. Available seats will be assigned on a first-come basis. The agenda for the Council meeting is summarized as follows:

**A. Tuesday, December 4 (6:00 P.M.-8:00 P.M.)**

Meetings of Ad Hoc Committees on:

1. The Media in Continuing Education
2. Federal/State Relations in Continuing Education
3. Title I of the Higher Education Act
4. International Dimensions of Continuing Education

**B. Wednesday, December 5 (8:30 A.M.-4:30 P.M.)**

Meetings of Ad Hoc Committees with consultants and site visitations

**C. Full Council Meeting**

The full Council will convene on Wednesday evening, December 5, meeting from 7:30 P.M. to 9:30 P.M. The meeting will be continued on Thursday, December 6, from 9:00 A.M. to 9:30 P.M.; and conclude on Friday, December 7, meeting from 7:30 A.M. to 11:00 A.M.

On Thursday, December 6, individual speakers and panels will address the

following topics with primary emphasis on continuing education for older persons:

Life Transition Education (especially for women).  
State Perspectives and Programs—Workers Education  
Training Needs of Business and Industry  
Education Needs of Minority Adults

The University of Arizona is serving as co-host for the Council meeting and is sponsoring a reception for the Council and guests on Thursday afternoon, December 6.

All records of the Council proceedings are available for public inspection at the Council's staff office, located in Suite 529, 425 Thirteenth Street, N.W., Washington, D.C.

Dated: November 9, 1979.

William G. Shannon,  
Executive Director.

[FR Doc. 79-35403 Filed 11-15-79; 8:45 am]  
BILLING CODE 4110-02-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### Irrigation Operation and Maintenance Charges; Water Charges and Related Information on the Wapato Irrigation Project, Washington

This notice of proposed operation and maintenance rates and related information is published under the authority delegated to the Assistant Secretary—Indian Affairs by the Secretary of the Interior in 230 DM 1 and redelegated by the Assistant Secretary—Indian Affairs to the Area Director in 10 BIAM 3.

This notice is given in accordance with § 191.1(e) of Part 191, Subchapter T, Chapter I, of Title 25 of the Code of Federal Regulations, which provides for the Area Director to fix and announce the rates for annual operation and maintenance assessments and related information on the Wapato Irrigation Project for Calendar Year 1980 and subsequent years. This notice is proposed pursuant to the authority contained in the Acts of August 1, 1914 (38 Stat. 583) and March 7, 1938 (45 Stat. 210).

The purpose of this notice is to announce an increase in the assessment rates commensurate with actual operation and maintenance costs on the Wapato Irrigation Project. The proposed assessment increases for 1980 amount to \$1.50 per acre on the Wapato-Satus Unit, \$0.80 per acre on the Toppenish-Simcoe Unit, and \$1.00 per acre on the Ahtanum Unit.

The public is welcome to participate in the rule making process of the Department of the Interior. Accordingly, interested persons may submit written comments, views or arguments with respect to the proposed rates and related regulations to the Area Director, Portland Area Office, Bureau of Indian Affairs, Post Office Box 3785, Portland, Oregon 97208, no later than December 17, 1979.

#### Wapato Irrigation Project—General Administration

The Wapato Irrigation Project, which consists of the Ahtanum Unit, Toppenish-Simcoe Unit, and Wapato-Satus Unit within the Yakima Indian Reservation, Washington, is administered by the Bureau of Indian Affairs. The Project Engineer of the Wapato Irrigation Project is the Officer-in-Charge and is fully authorized to carry out and enforce the regulations, either directly or through employees designated by him. The general regulations are contained in Part 191, Operation and Maintenance, Title 25—Indians, Code of Federal Regulations (42 FR 30362, June 14, 1977).

#### Irrigation Season

Water will be available for irrigation purposes from April 1 to September 30 each year. These dates may be varied as much as 15 days when weather conditions and the necessity for doing maintenance work warrants doing so.

#### Request for Water Delivery and Changes

Requests for water delivery and changes will be made at least 24 hours in advance. Not more than one change will be made per day. Changes will be made only during the ditch rider's regular tour. Pump shut-down, regardless of duration, without the required notice will result in the delivery being closed and locked. Repeated violations of this rule will result in strict enforcement of rotation schedules. Water users will change their sprinkler lines without shutting off more than one-half of their lines at one time. Sudden and unexpected changes in ditch flow results in operating difficulties and waste of water.

#### Time for Payment of Water Charges

The assessments fixed by these regulations shall become due April 1 of each year and are payable on or before that date. To all charges assessed against lands in patent in fee ownership, and those paid by lessees of Indian lands direct to the project office, remaining unpaid on July 1 following the

due date, there shall be added a penalty of one and one-half percent for each month, or fraction thereof, from the due date until the charges are paid.

#### Charges for Special Services

Charges will be collected for various special services requested by the general public, waterusers and other organizations during the Calendar Year 1980 and subsequent years until further notice, as detailed below:

(1) Requests for Irrigation Accounts and Status Reports, Per Report	\$15.00
(2) Requests for Verification of Account Delinquency Status, Per report	10.00
(3) Requests for Splitting of Operation and Maintenance Bills (in addition to minimum billing fee) Per Bill	10.00
(4) Requests for Billing of Operation and Maintenance to Other than Owner or Lessee of Record (in addition to minimum billing fee), Per Bill	10.00
(5) Requests for Other Special Services Similar to the above, when appropriate, Per Report	10.00

#### Ahtanum Unit

##### Charges

(a) The operation and maintenance rate on lands of the Ahtanum Irrigation Unit for the Calendar Year 1980 and subsequent years until further notice, is fixed at \$6.25 per acre per annum for land to which water can be delivered from the project works.

(b) In addition to the foregoing charges there shall be collected a minimum charge of \$5 for the first acre, or fraction thereof, on each tract of land for which operation and maintenance bills are prepared. The minimum bill issued for any area will, therefore, be the basic rate per acre plus \$5.

#### Toppenish-Simcoe Unit

##### Charges

(a) The operation and maintenance rate for the lands under the Toppenish-Simcoe Irrigation Unit for the Calendar Year 1980 and subsequent years until further notice, is fixed at \$6.25 per acre per annum for land for which an application for water is approved by the Project Engineer.

(b) In addition to the foregoing charges there shall be collected a minimum charge of \$5 for the first acre, or fraction thereof, on each tract of land for which operation and maintenance bills are prepared. The minimum bill issued for any area will, therefore, be the basic rate per acre plus \$5.

#### Wapato-Satus Unit

##### Charges

(a) The basic operation and maintenance rates on assessable lands under the Wapato-Satus Unit are fixed for the Calendar Year 1980 and subsequent years until further notice as follows:

(1) Minimum charge for all tracts	\$18.50
(2) Basic rate upon all farm units or tracts for each assessable acre except Additional Works lands	18.50
(3) Rate per assessable acre for all lands with a storage water right, known as "B" lands, in addition to other charges per acre	2.20
(4) Basic rate upon all farm units or tracts for each assessable acre of Additional Works lands	19.80

(b) In addition to the foregoing charges there shall be collected a minimum charge of \$5 for the first acre, or fraction thereof, on each tract of land for which operation and maintenance bills are prepared. The minimum bill issued for any area will, therefore, be the basic rate per acre plus \$5.

#### Assessable Lands

The assessable lands of the Wapato-Satus Unit are classified under these regulations as follows:

(a) All Indian trust (A and B) land designated as assessable by the Secretary of the Interior, except land which has never been cultivated if in the opinion of the Project Engineer the cost of preparing such land for irrigation is so high as to preclude its being leased at this time for agricultural purposes.

(b) All Indian trust (A and B) land not designated as assessable by the Secretary of the Interior for which application for water is pending or on which assessments had been charged the preceding year.

(c) All patent in fee land covered by a water right contract, except on land that because of inadequate drainage is no longer productive. The adequacy of the drainage is determined by the Project Engineer.

(d) At the discretion of the Project Engineer and upon the payment of charges, patent in fee land for which an application for a water right or modification of a water right contract is pending.

Vincent Little,

Area Director.

November 8, 1979.

[FR Doc. 79-35436 Filed 11-15-79; 8:45 am]

BILLING CODE 4310-02-M

#### Bureau of Land Management

[F-54854]

#### Alaska; Proposed Withdrawal and Reservation of Lands

November 6, 1979.

The Department of the Army, Corps of Engineers, on July 11, 1979, filed application, serial No. F-54854, for the withdrawal of the following described lands from settlement, sale, location, or entry, under all of the general land laws, including the mining laws, subject to valid existing rights:

Fairbanks Meridian

T. 2 S., R. 3 E.

Sec. 33, NE $\frac{1}{4}$ NW $\frac{1}{4}$ . All that portion of the NE $\frac{1}{4}$  lying southerly of the southerly right-of-way line of the Richardson Highway; N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ ; SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ ; E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ ; N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ ASW $\frac{1}{4}$ ; N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Sec. 34, all that portion of the SW $\frac{1}{4}$ NW $\frac{1}{4}$  lying southerly of the southerly right-of-way line of the Richardson Highway.

Containing 245.00 acres, more or less.

The applicant agency desires that the lands be withdrawn and reserved for use in conjunction with the Chena River Lakes Flood Control Project.

All persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned authorized officer of the Bureau of Land Management on or before December 17, 1979.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal. All interested persons who desire to be heard on the proposed withdrawal must submit a written request for a hearing to the State Director, Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513, on or before December 17, 1979. Notice of the public hearing will be published in the Federal Register giving the time and place of such hearing. The public hearing will be scheduled and conducted in accordance with BLM Manual, Sec. 2351.16 B.

The Department of the Interior's regulations provide that the authorized officer of the BLM will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of assuring that the area sought is the minimum essential to meet the applicant's needs, providing for the maximum concurrent utilization of the lands for purposes other than the applicant's, and reaching agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn and reserved as requested by the applicant agency. The determination of the Secretary of the application will be published in the Federal Register. The Secretary's determination shall, in a proper case, be subject to the provisions of section

204(c) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2752.

Effective on the date of publication of this notice, the above-described lands shall be segregated from the operation of the public land laws, including the mining laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. The segregative effect of this proposed withdrawal shall continue for a period of 2 years, unless sooner terminated by action of the Secretary of the Interior. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. If the withdrawal is approved, the segregation will continue for the duration of the withdrawal.

All communications (except for public hearing requests) in connection with this proposed withdrawal should be addressed to the Chief, Branch of Lands and Minerals Operations, Alaska State Office, Bureau of Land Management, Department of the Interior, 701 C Street, Box 13, Anchorage, Alaska 99513.  
Mary Jane Clawson,  
*Acting Chief, Branch of Lands and Minerals Operations.*

District Recorder,  
604 Barnette Street,  
Fairbanks, Alaska 99701.

Public Service (941).  
Public Service (220).  
U.S. Post Office, Central, Alaska 99730.  
U.S. Post Office, Circle, Alaska 99733.  
U.S. Post Office, College, Alaska 99701.  
U.S. Post Office, Dot Lake Branch, Delta Junction, Alaska 99737.  
U.S. Post Office, Curry L. Corner Branch, Fairbanks, Alaska 99701.  
U.S. Post Office, Fairbanks, Alaska 99701.  
U.S. Post Office, Ft. Wainwright Branch, Fairbanks, Alaska 99703.  
U.S. Post Office, Minto, Alaska 99758.  
U.S. Post Office, Healy, Alaska 99743.  
U.S. Post Office, McKinley Park, Alaska 99755.  
U.S. Post Office, Pearson River Branch, Delta Junction, Alaska 99737.  
U.S. Post Office, University Branch, Fairbanks, Alaska 99701.  
U.S. Post Office, Chatanika, Alaska 99731.  
U.S. Post Office, Delta Junction, Alaska 99737.  
U.S. Post Office, Clear Mountain, Alaska 99704.  
U.S. Post Office, Eilesen A.F.B. Branch, Fairbanks, Alaska 99702.  
U.S. Post Office, Federal Station, Fairbanks, Alaska 99707.  
U.S. Post Office, Gakona, Alaska 99741.  
U.S. Post Office, Hogatza, Alaska 99744.  
U.S. Post Office, Manley Hot Springs, Alaska 99765.  
U.S. Post Office, Nenana, Alaska 99760.  
U.S. Post Office, North Pole, Alaska 99705.  
U.S. Post Office, Rampart CPO, Via Fairbanks, Alaska 99767.

U.S. Post Office, Stevens Village, Alaska 99774.

[FR Doc. 79-35482 Filed 11-15-79; 8:45 am]

BILLING CODE 4310-84-M

### California Desert; Temporary Closure of Two Areas; Amendment

Amendment to notice of closure (Federal Register Vol. 44, No. 213, published November 1, 1979, page 62963).

The boundaries of two areas of public lands in the California Desert to be temporarily closed November 21 through November 26, 1979 have been changed. The new boundaries are:

#### Area A (San Bernardino Meridian)

T. 11 N., R. 4 E.

That part of Secs. 12 and 24 lying north of the Interstate 15 right-of-way.

T. 11 N., R. 5 E.

Those portions of Secs. 2, 4, 6, 8, 10, 18, and 20 lying north of the Interstate 15 right-of-way.

T. 12 N., R. 4 E.

That part of Sec. 25 lying south of the powerline road associated with rights-of-way LA 052174 and LA 053634.

T. 12 N., R. 5 E.

Those portions of Secs. 1-3, 9-15, 17, 19-30, 32, 34, and 35 lying south of the powerline road associated with rights-of-way LA 052174 and LA 053634.

T. 12 N., R. 6 E.

All of Secs. 1-15, 18, 20, 22-24, 26, 28, 30, 32, and 34.

T. 12 N., R. 7 E.

All public lands in Secs. 3-10, 15, 17-22, and 27-34.

(This portion of the amendment reduces the area of closure)

#### Area B (San Bernardino Meridian)

T. 17 N., R. 12 E.

Secs. 11, 12, 14, 15, 21-24, 27, and 28.

T. 17 N., R. 12½ E.

Secs. 1 and 13.

T. 17 N., R. 13 E.

Secs. 6 and 18.

(This portion of the amendment adds Sec. 6 of T. 17 N., R. 13 E. to the area to be closed.)

The closure only will affect the public lands within the described boundaries.

The original notice of closure is also amended to except from the closure vehicular traffic on the entire length of the powerline road associated with LA 052174 and LA 053634, including where this road passes through Area B.

These amendments do not change any other portion of the original notice.

Gerald E. Hillier,

*Riverside District Manager.*

[FR Doc. 79-35428 Filed 11-15-79; 8:45 am]

BILLING CODE 4310-84-M

[NM 38795]

### New Mexico; Gas Pipeline Right-of-Way Application

November 8, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Northwest Pipeline Corporation has applied for one 4½-inch natural gas pipeline right-of-way across the following land:

New Mexico Principal Meridian, New Mexico

T. 28 N., R. 6 W.,

Sec. 14, SE¼NW¼.

This pipeline will convey natural gas across 0.130 of a mile of public land in Rio Arriba County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 8770, Albuquerque, New Mexico 87107.

Stella V. Gonzales,  
*Chief, Lands Section.*

[FR Doc. 79-35470 Filed 11-15-79; 8:45 am]

BILLING CODE 4310-84-M

[NM 38796 and 38797]

### New Mexico; Right-of-Way Applications

November 8, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Transwestern Pipeline Company has filed two right-of-way applications for 6-inch and 4-inch pipelines across the following lands:

New Mexico Principal Meridian, New Mexico

T. 18 S., R. 27 E.,

Sec. 22, SE¼SE¼;

Sec. 27, N¼N¼;

Sec. 28, N¼NE¼.

T. 20 S., R. 29 E.,

Sec. 7, NE¼SW¼, W¼SE¼ and

SE¼SE¼;

Sec. 18, NE¼NE¼.

These pipelines will convey natural gas across 2.316 miles of public lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.



Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

Stella V. Gonzales,  
Chief, Lands Section.

[FR Doc. 79-35468 Filed 11-15-79; 8:45 am]

BILLING CODE 4310-84-M

[NM 38800]

### New Mexico; Right-of-Way Application

November 8, 1978.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has filed a right-of-way application for two 4½-inch pipelines across the following land:

New Mexico Principal Meridian, New Mexico  
T. 20 S., R. 29 E.,

Sec. 16, SE¼NW¼ and NE¼SW¼.

These pipelines will convey natural gas across 0.197 of a mile of public land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

Stella V. Gonzales,  
Chief, Lands Section.

[FR Doc. 79-35467 Filed 11-15-79; 8:45 am]

BILLING CODE 4310-84-M

[NM 38819 and 38845]

### New Mexico; Natural Gas Pipeline Rights-of-Way Applications

November 8, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Gas Company of New Mexico has applied for two 4-inch natural gas pipeline rights-of-way across the following lands:

New Mexico Principal Meridian, New Mexico  
T. 28 N., R. 10 W.,

Sec. 7, lot 5.

T. 28 N., R. 11 W.,

Sec. 12, SE¼SE¼;

Sec. 25, N¼NE¼, SW¼NE¼, SE¼NW¼ and NE¼SW¼.

These pipelines will convey natural gas across 1.147 miles of public lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

Stella V. Gonzales,  
Chief, Lands Section.

[FR Doc. 79-35466 Filed 11-15-79; 8:45 am]

BILLING CODE 4310-84-M

[NM 38848, 38849 and 38850]

### New Mexico; Natural Gas Pipeline Rights-of-Way Applications

November 9, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Southern Union Gathering Company has applied for two 4-inch and one 2-inch natural gas pipeline rights-of-way across the following lands:

New Mexico Principal Meridian, New Mexico

T. 29 N., R. 9 W.,

Sec. 27, SE¼SW¼ and SW¼SE¼.

Sec. 34, NE¼NW¼.

T. 31 N., R. 9 W.,

Sec. 11, lots 3, 6, 10 and 11.

T. 30 N., R. 11 W.,

Sec. 13, lot 3.

These pipelines will convey natural gas across 1.208 miles of public lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

Stella V. Gonzales,  
Chief, Lands Section.

[FR Doc. 79-35471 Filed 11-15-79; 8:45 am]

BILLING CODE 4310-84-M

[NM 38854]

### New Mexico; Natural Gas Pipeline Right-Of-Way Application

November 9, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Phillips Petroleum Company has applied for one 4½ inch natural gas pipeline right-of-way across the following land:

New Mexico Principal Meridian, New Mexico

T. 20 S., R. 34 E.,

Sec. 28, NE¼SE¼.

This pipeline will convey natural gas across 0.183 of a mile of public land in Lea County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

Stella V. Gonzales,  
Chief, Lands Section.

[FR Doc. 79-35465 Filed 11-15-79; 8:45 am]

BILLING CODE 4310-84-M

[NM 38855]

### New Mexico; Natural Gas Pipeline Right-Of-Way Application

November 9, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Natural Gas Pipeline Company of America has applied for on 4-inch natural gas pipeline right-of-way across the following land:

New Mexico Principal Meridian, New Mexico

T. 19 S., R. 25 E.,

Sec. 34, SE¼NW¼, NE¼SW¼ and W¼SE¼.

T. 20 S., R. 25 E.,

Sec. 2, W¼SW¼;

Sec. 3, lots 1, 2, SE¼NE¼ and NE¼SE¼.

This pipeline will convey natural gas across 1.818 miles of public land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

**Stella V. Gonzales,**  
Chief, Lands Section.

[FR Doc. 79-35409 Filed 11-15-79; 8:45 am]

BILLING CODE 4310-84-M

[W-69198]

### Wyoming; Natural Gas Pipeline Right-Of-Way Application

November 7, 1979.

Notice is hereby given that pursuant to Sec. 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Mountain Fuel Supply Company of Salt Lake City, Utah filed an application for a right-of-way to construct two buried lateral pipelines (one 3½ inch and one 4½ inch) for the purpose of transporting natural gas across the following described public lands:

Sixth Principal Meridian, Wyoming

T. 23 N., R. 103 W.,  
Sec. 6, lot 7 and SE¼SW¼.  
T. 23 N., R. 104 W.,  
Sec. 1, S½S½;  
Sec. 2, SE¼SE¼.

The proposed pipelines will transport natural gas from the Winston-Federal No. 1 well located in the SE¼SE¼ of Section 2, and the Jamieson "A" No. 1 well located in the N½SE¼ of Section 1, all within T. 23 N., R. 104 W., to a point of connection with an existing pipeline located in the SE¼SW¼ of Section 6, T. 23 N., R. 103 W., all within Sweetwater County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, Highway 187 North, P.O. Box 1869, Rock Springs, Wyoming 82901.

**Harold G. Stinchcomb,**  
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-35473 Filed 11-15-79; 8:45 am]

BILLING CODE 4310-84-M

### Utah; Deep Creek Mountains: Future Management Proposals; Public Meeting

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of Public Meeting.

**SUMMARY:** Notice is hereby given that the following public meeting will be held to discuss three options for future management of the Deep Creek Mountains in Juab and Salt Lake Counties, Utah. The meeting will be held December 5, 1979, 7:30 p.m. at the Salt Palace, Room 127, 100 South West Temple, Salt Lake City, Utah.

**DATE:** Comments by January 15, 1980.

**CONTACT:** Donald L. Pendleton, District Manager, Bureau of Land Management, 150 East 900 North, Richfield, Utah 84701 (801) 898-8221, or Tom Jensen, Area Manager, House Range Resource Area, Fillmore, Utah 84631 (801) 743-6811.

**Background:** As early as 1973, the Deep Creek Mountains in western Utah were identified as containing resource values worthy of protection. Primitive and outstanding natural area designations were proposed in 1975; however, no action was taken for protection prior to passage of the Federal Land Policy and Management Act of 1976 (FLPMA). Mineral activity in the area heightened the concern for protective management of the resources in the Deep Creek Mountains and led to the emergency withdrawal of 26,927 acres under Section 204 of the FLPMA on May 2, 1977. As a result of the withdrawal, the BLM has a three-year period to inventory the resource values found in the area and determine whether the withdrawal should be made permanent. The Bureau of Land Management's proposed action therefore, is to determine whether the existing 26,927 acre withdrawal should be made permanent or whether the resource values can be more adequately protected and/or managed by other available means.

The Bureau of Land Management was assisted by other federal agencies, state and local government in identifying endangered, threatened and rare plant and animal species, off road vehicle use, mineral and geological resources, archaeological and historical values, and water quality. The Richfield and Salt Lake Districts have completed an accelerated intensive wilderness inventory of units UT-020-060 and UT-050-020 in Juab and Salt Lake Counties. The presence of the Giant Stonefly outside of its recognized distribution and the possible existence of bristlecone pine trees in excess of 3,000 years old

are additional unique resource values of the Deep Creek Mountains.

BLM is now seeking public comment on three management options which are based on the inventory findings during the past three years. The three options are as follows:

1. *Make application for a permanent withdrawal on the 26,927 acre Emergency Withdrawal before its expiration on May 2, 1980.*

Subject to valid existing rights, the permanent withdrawal, would afford the protection outlined in the emergency withdrawal: no settlement, sale, location, or entry, under the general laws, including the mining law, would be allowed on the 26,927 acre area.

2. *Modify the Emergency withdrawal and make application for a permanent withdrawal.*

This option is to consider modification of the existing withdrawal boundary to include the additional significant resource values that have been identified during the three-year emergency withdrawal period.

3. *Permit the Emergency Withdrawal to expire and propose the Deep Creek Mountains as a Wilderness Study Area.*

The Bureau of Land Management is mandated under Section 603 of the FLPMA to review public land roadless areas of 5,000 acres or more having wilderness characteristics and report to Congress on the suitability or non-suitability of these lands for wilderness designation.

The Initial Wilderness Inventory indicated that the 213,868 acres of the Deep Creek Mountain roadless area within the Richfield and Salt Lake Districts contained sufficient naturalness to warrant further review under the "Intensive" Wilderness Inventory.

An accelerated Wilderness Inventory was completed in November. A 68,910 acre area of public land (38,170 acres in Salt Lake BLM District and 30,740 acres in the Richfield District), has been identified as having sufficient naturalness and outstanding opportunities for solitude and primitive types of recreation for recommendation as a Wilderness Study Area (WSA). The boundaries of the entire inventory units and the proposed WSA are designated on the map.

If the Deep Creeks are recommended as a Wilderness Study Area, the Bureau could not permit actions to take place on the lands which would permanently impair the area's suitability for preservation as wilderness.

Existing mining, mineral leasing, and grazing uses may continue in the same manner and degree as they were being

conducted when FLPMA was enacted on October 21, 1976, but will be regulated to afford environmental protection and prevent undue and unnecessary degradation of the land and resources. All other activities on their existing claims and activity on new mining claims would exceed the "manner and degree" of October 21, 1976, and would, therefore, be subject to regulation to prevent permanent "impairment" of wilderness characteristics.

As mandated by FLPMA, the 68,910 acre area would still be under consideration for wilderness study regardless of which option is chosen.

Written comments on the future management of the Deep Creek Mountains will be accepted until January 15, 1980 by Donald L. Pendleton, District Manager, Bureau of Land Management, 150 East 900 North, Richfield, Utah 84701.

Donald L. Pendleton,

*District Manager.*

[FR Doc. 79-35472 Filed 11-15-79; 8:45 am]

BILLING CODE 4310-84-M

## Bureau of Land Management

### BLM Nevada Conducts Special Inventory on Pueblo Mountain Area of Humboldt County, Nev.

A public meeting will be conducted by the Winnemucca District BLM office to discuss the results of the special wilderness inventory conducted on the Pueblo Mountains area of northwestern Nevada. The meeting will be held on Dec. 6, 1979 from 1:30 to 4:30 P.M. at the Winnemucca BLM office, 705 E. Fourth St., Winnemucca, NV 89445.

The area involves Nevada public land split into two wilderness inventory units: NV-020-642a (10,160 acres) and NV-020-642b (4,480 acres in Nevada and contiguous acreage in Oregon).

NV-020-642a was found to lack wilderness characteristics, specifically a lack of naturalness and no outstanding opportunities for primitive and unconfined recreation.

NV-020-642b was found to possess wilderness characteristics and is recommended to be designated a wilderness study area.

Public comments on the BLM's recommendation will be accepted until Jan. 4, 1980. Comments should be sent to the Winnemucca or the Reno (300 Booth St., Room 3008, 89509) BLM offices.

Dated: November 7, 1979.

Wm. J. Malencik,  
*Acting State Director, Nevada.*

[FR Doc. 79-35460 Filed 11-15-79; 8:45 am]  
BILLING CODE 4310-84-M

[NM 38761]

### New Mexico; Notice of Application

November 6, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for one 4½-inch natural gas pipeline right-of-way across the following land:

New Mexico Principal Meridian, New Mexico

T.30 N., R. 7 W.,

Sec. 21, SW¼SW¼.

This pipeline will convey natural gas across 0.213 of a mile of public land in Rio Arriba County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

Stella V. Gonzales,  
*Chief, Lands Section.*

[FR Doc. 79-35461 Filed 11-15-79; 8:45 am]

BILLING CODE 4310-84-M

[NM 38732, 38785, 38786, 38787, 38788 and 38789]

### New Mexico; Applications

November 6, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Northwest Pipeline Corporation has applied for five 4½-inch natural gas pipeline rights-of-way across the following lands:

New Mexico Principal Meridian, New Mexico

T. 28 N., R. 6 W.,

Sec. 9, S¼SW¼;

Sec. 15, NW¼NW¼;

Sec. 16, N¼N¼;

Sec. 20, E¼SE¼ and NW¼SE¼;

Sec. 21, SW¼SW¼.

T. 30 N., R. 7 W.,

Sec. 29, E¼SE¼ and SW¼SE¼

Sec. 30, SE¼SE¼.

T. 29 N., R. 9 W.,

Sec. 34, NE¼NW¼.

These pipelines will convey natural gas across 2.386 miles of public lands in Rio Arriba and San Juan Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

Stella V. Gonzales,  
*Chief, Lands Section.*

[FR Doc. 79-35462 Filed 11-15-79; 8:45 am]

BILLING CODE 4310-84-M

[NM 38799, 38801, 38815, 38816 and 38851]

### New Mexico; Applications

November 8, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for five 4½-inch natural gas pipeline rights-of-way across the following lands:

New Mexico Principal Meridian, New Mexico

T. 25 N., R. 6 W.,

Sec. 9, NE¼NE¼.

T. 28 N., R. 8 W.,

Sec. 32, N¼NE¼.

T. 29 N., R. 8 W.,

Sec. 28, SE¼NE¼.

T. 29 N., R. 9 W.,

Sec. 29, SW¼NE¼.

T. 28 N., R. 11 W.,

Sec. 22, NW¼ and E¼SW¼.

These pipelines will convey natural gas across 1.056 miles of public lands in Rio Arriba and San Juan Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

Stella V. Gonzales,  
*Chief Lands Section.*

[FR Doc. 79-35463 Filed 11-15-79; 8:45 am]

BILLING CODE 4310-84-M

[NM 38769 and 38771]

**New Mexico; Applications**

November 8, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for two 4½-inch natural gas pipeline rights-of-way across the following land:

New Mexico Principal Meridian, New Mexico

T. 25 S., R. 33 E.,

Sec. 22, NE¼SW¼ and S½SW¼;

Sec. 23, N½S½;

Sec. 24, NW¼SW¼;

Sec. 27, NW¼NW¼;

Sec. 28, NE¼NE¼, S½NE¼, SE¼SW¼

and W½SE¼;

Sec. 33, N½NW¼ and SW¼NW¼.

These pipelines will convey natural gas across 3.575 miles of public land in Lea County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

Stella V. Gonzales,  
Chief Lands Section.

[FR Doc. 79-35484 Filed 11-15-79; 8:45 am]

BILLING CODE 4310-84-M

[AA-5964]

**Alaska; Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal**

The U.S. Department of Agriculture, Forest Service filed application, Serial number AA-5964, on June 24, 1970, for a withdrawal in relation to the following described lands:

**Kenai River Area**

T. 5 N., R. 4 W., Seward Meridian, within Secs. 27, 28, 33, 34, 35 and 36, a strip of land from the forest boundary on the west to the Cooper Creek Campground withdrawal (Public Land Order 829) on the east, lying between Sterling Highway (Alaska State Highway No. 1) and Kenai River; and a roadside zone 400 feet in width on the northside of the highway west of the Schooner Bend Bridge, to the forest boundary and 400 feet on the southside of the highway east of said bridge to the Cooper Creek Campground withdrawal (Public Land Order 829), containing 350 acres more or less.

**Six-mile Creek Area**

A strip of land lying between the east bank of Six-mile Creek and a line 200 feet west of the centerline of the Hope Highway and between the east bank of the east fork of Six-mile Creek and a line 200 feet west of the centerline of the Seward-Anchorage Highway extending from the center of the east fork bridge at approximately mile 61.6 on the Seward-Anchorage Highway to the south boundary of the Sunrise Townsite elimination at approximately mile 7.0 on the Hope Highway; excluding the area withdrawn under Public Land Order 1094, dated March 15, 1955, containing 838 acres more or less.

The applicant desires that the land be maintained in a near-natural state for the recreation and scenic enjoyment of the traveling public. A notice of the proposed withdrawal was published in the Federal Register on March 25, 1971, Volume 36, No. 58, page 5624, Document No. 71-4033. Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976 (90 Stat. 2754), notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing with the State Director, Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513 on or before December 18, 1979. Notice of the public hearing will be published in the Federal Register, giving the time and place of such hearing. The hearing will be scheduled and conducted in accordance with BLM Manual Sec. 2351.16 B. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of, or in addition to, attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before December 18, 1979.

The above-described lands are temporarily segregated from the operation of the public land laws, including the mining laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with section 204(g) of the Federal Land Policy and Management Act of 1976, the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless

sooner terminated by action of the Secretary of the Interior.

All communications (except for public hearing requests) in connection with the pending withdrawal application should be addressed to the Chief, Branch of Lands and Minerals Operations, Alaska State Office, Bureau of Land Management, Department of the Interior, 701 C Street, Box 13, Anchorage, Alaska 99513.

Willa May Shore,  
Acting Chief, Branch of Lands, and Minerals Operations.

[FR Doc. 79-35308 Filed 11-15-79; 8:45 am]

BILLING CODE 4310-84-M

[C-25948]

**Coal Lease Offering by Sealed Bid**

U.S. Department of the Interior, Bureau of Land Management, Colorado State Office, 700 Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202. Notice is hereby given that certain resources in the lands hereinafter described in Moffat County, Colorado will be offered for lease by sealed bid of \$25 or more per acre to the qualified bidder submitting the highest bid in accordance with the provisions of the Mineral Leasing Act of 1920 (41 Stat. 437), as amended, and the Department of Energy Organization Act of August 4, 1977 (91 Stat. 565, 42 U.S.C. 7101). The sale will be held at 2:00 p.m., December 18, 1979, in Room 708, Colorado State Bank Building, Denver, Colorado. No bids received after 2:00 p.m., December 18, 1979, will be considered.

**Coal Offered:** The coal resource to be offered is limited to all strippable reserves of the "Q" coal bed and any overlying coal beds in the following described lands located approximately seven miles southwest of Craig, Colorado:

T. 5 N., R. 91 W., 6th P.M.

Sec. 5: Lots 5 and 8 (Containing 85.28 acres).

The "Q" Bed contains approximately 400,000 tons of coal recoverable by surface mining methods. The "Q" coal bed has an average thickness of 9 feet in the lands and has an average analysis as follows:

Moisture—16.1 percent, Ash—7.5 percent,  
Volatile Matter—38.0 percent, Sulfur—0.3 percent.

Fixed Carbon—38.0 percent, Btu—9,997 per pound.

The coal is classified as high volatile C bituminous.

**Rental and Royalty:** A lease issued as a result of this offering will provide for payment of an annual rental of \$3 per acre or fraction thereof and a royalty

payable to the United States at the rate of 12.5 percent of the value of coal mined by surface methods. The value of coal shall be determined in accordance with 30 CFR 211.63.

**Notice of Availability:** Bidding instructions are included in the Detailed Statement of the Lease Sale. A copy of the Statement and of the proposed coal lease are available at the Bureau of Land Management, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202. All case file documents and written comments submitted by the public on Fair Market Value or royalty rates, except those portions identified as proprietary by the commenter and meeting exemptions stated in the Freedom of Information Act, are available for public inspection in Room 701.

Andrew W. Heard, Jr.,  
Leader, Craig Team Branch of Adjudication.

[PR Doc. 79-35309 Filed 11-15-79; 8:45 am]

BILLING CODE 4310-84-M

## Bureau of Reclamation

### Contract Negotiations With P.P.R.T. Water Systems, Inc., Idaho; Intent To Begin Repayment Contract Negotiations

The Department of the Interior, through the Bureau of Reclamation, intends to begin negotiations to amend the September 30, 1977, repayment contract with P.P.R.T. Water Systems, Inc., Carey, Blaine County, Idaho. That contract was executed under the authority of the Emergency Drought Act of April 7, 1977 (91 Stat. 36), as amended. The proposed amendment will defer the time for payment of installments under that contract, pursuant to the Act of September 21, 1959 (73 Stat. 584).

Pursuant to the Emergency Drought Act and the 1977 contract, funds in the amount of \$249,289.69 were expended to construct emergency water supply facilities that were needed to alleviate the effects of the severe drought of 1977. The 1977 contract provided that those funds would be repaid by the contractor in annual installments beginning in 1979.

Blaine County has suffered a serious drought in 1979. In addition, a damaging hailstorm struck the area on August 15, 1979. As a result of the drought and hailstorm, Blaine County was described a disaster area. P.P.R.T. Water Systems, Inc., requested deferment of the annual installment due December 1979 due to significant crop losses.

The public may observe any negotiating sessions. Advance notice of such meetings, if any, will be furnished

on request. Requests must be in writing and submitted at least 1 week prior to any session. Requests must specify that the requesting party is interested in the proposed contract with P.P.R.T. Water Systems, Inc. Inquiries should be addressed to the Regional Director, attention code 440, Bureau of Reclamation, 550 West Fort Street, Box 043, Boise, Idaho 83724.

A proposed draft contract will be made available for public review following completion of contract negotiations. Thereafter, a 30-day period will be allowed for receipt of written comments from the public.

All written correspondence concerning the proposed contract will be made available pursuant to the Freedom of Information Act (80 Stat. 383), as amended.

For further information on scheduled negotiating sessions and copies of the proposed contract form, please contact: Mr. Richard M. Rigby, Bureau of Reclamation, Repayment and Statistics Branch, Division of Water, Power, and Lands, 550 West Fort Street, Box 043, Boise, Idaho 83724, telephone (208) 384-9503.

Dated: November 8, 1979.

Aldon D. Nielsen,  
Acting Assistant Commissioner of  
Reclamation.

[PR Doc. 79-35064 Filed 11-15-79; 8:45 am]

BILLING CODE 4310-09-M

## Fish and Wildlife Service

### Availability of Environmental Assessments for Wildlife Restoration Projects

**AGENCY:** Fish and Wildlife Service, Department of the Interior.

**ACTION:** Notice of Availability for Inspection and Public Comment.

**SUMMARY:** This notice provides a listing of Environmental Assessments available for public review to supplement those previously listed in the Federal Register July 20, August 3, September 6, and October 5, 1979. The Assessments and Findings of No Significant Impact were prepared on certain projects conducted by State fish and wildlife agencies under the Federal Aid in Wildlife Restoration program. The public is invited to comment, and information is provided on the locations at which the documents may be reviewed.

**DATE:** Comments must be received at the locations indicated by December 17, 1979.

**ADDRESSES:** The assessments are available for inspection at the following locations:

FWS Federal Aid Office, 1000 N. Glebe Road, Arlington, Virginia 22201  
Region 1, FWS, Lloyd 500 Building, Suite 1692, 500 N.E. Multnomah Street, Portland, Oregon 97232.  
Region 2, FWS, 500 Gold Avenue, S.W., P.O. Box 1306, Albuquerque, New Mexico 87103.  
Region 3, FWS, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.  
Region 4, FWS, Richard B. Russell Federal Building, 75 Spring Street, S.W., Atlanta, Georgia 30303.  
Region 5, FWS, 1 Gateway Center, Suite 700, Newton Corners, Massachusetts 02158.  
Region 6, FWS, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225.  
Alaska Area Office, FWS, 1011 E. Tudor Road, Anchorage, Alaska 99507, Central headquarters office of the State fish and wildlife agency.

Interested persons are invited to submit comments to the appropriate Regional Director at the above regional addresses within 30 days. Copies of the assessment may be obtained at the Regional Offices upon payment of reasonable reproduction costs pursuant to 43 CFR, Part 2, Appendix A. Copies of any Finding of No Significant Impact will be provided free of cost.

**FOR FURTHER INFORMATION CONTACT:** Mr. Charles K. Phenicie, Chief, Division of Federal Aid, U.S. Fish and Wildlife Service, Washington, D.C. 20240, telephone 703-235-1528.

**SUPPLEMENTARY INFORMATION:** On June 26, 1979, the U.S. District Court for the District of Columbia issued an order dismissing Civil Action No. 78-430 involving the Federal Aid in Wildlife Restoration program. The dismissal effected an agreement by plaintiffs and defendants which included a provision that the Fish and Wildlife Service would publish in the Federal Register a notice of availability of certain Environmental Assessments for inspection and public comment. Pursuant to the stipulated agreement, this notice lists Environmental Assessments prepared to date and will be supplemented as other assessments are prepared.

The principal author of this notice is Dr. Robert J. Sousa, U.S. Fish and Wildlife Service, Division of Federal Aid, Washington, D.C. 20240, telephone 703-235-1528.

Notice is hereby given of availability for inspection and comment of environmental assessments for the following Federal Aid projects funded in part by the U.S. Fish and Wildlife Service (FWS) under the Pittman-Robertson Federal Aid in Wildlife Restoration Act, 16 U.S.C. 669 et seq: (Activities listed are not exclusive.)

## Region 3

*Michigan W-36-D*

The goal of this project is to produce and maintain optimum wildlife habitat diversity on approximately 306,000 acres of state-owned land in the southern one-third of Michigan. Management activities designed to maintain and improve existing habitat diversity include: planting of trees and shrubs; herbaceous seeding for food; roosting and nesting cover; creation and maintenance of clearings; edge development; building brush piles; control of vegetation through prescribed burning, chemical spraying and cutting; and marsh management.

*Wisconsin W-151-D*

The purpose of this project is to protect and enhance breeding habitat and migration stopover areas used by waterfowl. This project includes, among other activities: erecting boundary fencing and signs; construction of a parking area; demolishing buildings; planting food plots and dense nesting cover; vegetation control; project administration; and cooperation with research.

Dated: November 13, 1979.

Robert S. Cook,  
Deputy Director, U.S. Fish and Wildlife Service.

[FR Doc. 79-35321 Filed 11-15-79; 8:45 am]

BILLING CODE 4310-55-M

## Office of the Secretary

[INT FES 79-60]

**Authorized Salt-Gila Aqueduct;  
Availability of Final Environmental  
Statement**

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, as amended, the Department of the Interior has prepared a final environmental statement for the Salt-Gila Aqueduct feature of the Central Arizona Project, Arizona-New Mexico.

This statement describes the environmental impacts resulting from the construction and operation of the Salt-Gila Aqueduct and associated electrical transmission system. The aqueduct would convey Colorado River water from the terminus of the Granite Reef Aqueduct in southeastern Maricopa County to the beginning of the authorized Tucson Aqueduct in south-central Pinal County, Arizona. Construction of the feature is scheduled to begin in mid-1980, with project completion scheduled for 1985.

Copies are available for inspection at the following locations:

Director, Office of Environmental Affairs,  
Room 7622, Bureau of Reclamation,  
Department of the Interior, Washington,  
D.C. 20240, Telephone No. 202-343-4991.  
Engineering and Research Center, Library  
Branch, Code D-950, Denver Federal  
Center, Denver, Colorado 80225, telephone  
No. 303-234-3019.

Office of the Regional Director, Lower  
Colorado Region, Bureau of Reclamation,  
Boulder City, Nevada 89005, Telephone No.  
702-293-8464.

Arizona Projects Office, Bureau of  
Reclamation, Suite 2200, Valley Center, 201  
North Central Avenue, Phoenix, Arizona  
85073, Telephone No. 602-261-3577.

Upon request, single copies of the  
final statement may be obtained from  
the Commissioner of Reclamation or the  
Regional Director. Please refer to the  
statement number above.

Dated: November 13, 1979.

James H. Rathlesberger,  
Special Assistant to Assistant Secretary of  
the Interior.

[FR Doc. 79-35405 Filed 11-15-79; 8:45 am]

BILLING CODE 4310-09-M

**INTERNATIONAL TRADE  
COMMISSION**

[225-1]

**Competitive Status of Certain  
Benzenoid Chemical Imports From  
Switzerland and the European  
Community**

**AGENCY:** United States International  
Trade Commission.

**ACTION:** Notice is hereby given that the  
United States International Trade  
Commission has made its preliminary  
determinations with respect to lists of  
benzenoid chemicals and products  
notified to the United States by  
Switzerland and the European  
Community for the purpose of reviewing  
the U.S. customs treatment accorded  
each chemical or product during 1976,  
1977, and 1978, pursuant to investigation  
No. 225-1, initiated September 18, 1979  
(44 FR 55442, September 26, 1979).

The Annex to this notice lists the  
chemicals and products which the  
Commission has preliminarily  
determined were not valued for customs  
proposes on the basis of American  
selling price upon entry into the United  
States during the period determined by  
it to be representative, and for which a  
more appropriate and representative  
rate of duty exists in section 223 of the  
Trade Agreements Act of 1979 than the  
rate of duty that would apply but for  
section 225 of that Act.

**WRITTEN SUBMISSIONS:** Interested  
parties are invited to comment on all  
aspects of the Commission's preliminary

determinations including the  
Commission's methodology in  
eliminating articles from further  
consideration, the representativeness of  
the representative periods selected by  
the Commission, and the  
appropriateness of the "more  
appropriate and representative" rates of  
duty chosen by the Commission. Written  
comments should be submitted by  
November 27, 1979.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Ed Cappuccilli, Office of Industries  
[(202) 523-0490] or Mr. Holm Kappler,  
Office of Nomenclature, Valuation, and  
Related Activities [(202) 523-0362],  
United States International Trade  
Commission, 701 E Street, NW.,  
Washington, D.C. 20436.

**SUPPLEMENTARY INFORMATION:** The  
Trade Agreements Act of 1979 contains  
a new tariff nomenclature for benzenoid  
chemicals with rates of duty adjusted to  
reflect the adoption by the United States  
of a revised system of customs valuation  
based principally upon transaction  
value. Under section 225 of the Trade  
Agreements Act of 1979 the President is  
authorized to proclaim a modification of  
the article descriptions in subpart B and  
C of part 1 of Schedule 4 of the Tariff  
Schedules of the United States in order  
to transfer articles within those  
provisions. The President may not make  
any such modification unless the  
Commission determines that—

(1) the chemical or product was not valued  
for customs purposes on the basis of  
American selling price upon entry into the  
United States during a period determined by  
the Commission to be representative, and

(2) a rate of duty provided for in such  
subparts, other than the rate of duty that  
would apply but for this section, is more  
appropriate and representative for such  
chemical or product.

The Commission has reviewed lists of  
certain benzenoid chemicals notified to  
the United States by Switzerland and  
the European Community with regard to  
the U.S. customs treatment accorded  
each chemical or product during 1976,  
1977, and 1978.

For the 428 chemicals and products in  
the combined lists, the Commission  
tabulated the available data for each  
customs entry of each chemical or  
product, including its customs valuation  
treatment. Approximately 299 of those  
chemicals and products have been  
tentatively eliminated because (a) it was  
impossible to locate customs entry data  
from the information supplied, (b) the  
chemicals were valued on the basis of  
American selling price by Customs  
during the representative period  
determined by the Commission, (c) the  
supplied name or description of the



product is inappropriate or insufficient for customs nomenclature and classification purposes, (d) no other classification provision is applicable or (e) no more appropriate and representative rate of duty exists in section 223 of the Trade Agreements Act of 1979 than the rate of duty that would apply but for section 225 of that Act.

There are 129 chemicals and products which the Commission has identified as not having been valued on the basis of American selling price and for which more appropriate and representative rate of duty exists in section 223 of the Trade Agreements Act of 1979 than the rate of duty that would apply but for

section 225 of that Act. These chemicals and products are listed in the Annex to this notice and are eligible articles for duty modification to be proclaimed by the President pursuant to the authority in section 225 of the Trade Agreements Act of 1979.

The "representative period" shown for each item is the most recent 12-month period during which imports are known to have entered the United States from the European Community and Switzerland.

By Order of the Commission.

Issued November 9, 1979.

Kenneth R. Mason,  
Secretary.

*Annex.—Chemicals or Products Which Were Not Valued on the Basis of American Selling Price and for Which a More Appropriate and Representative Rate of Duty Exists in Section 223 of the Trade Agreements Act of 1979*

Chemical name/product	Representative period (month/year)	TSUS item number and column 1 rate of duty in section 223			
		Existing rate		More appropriate rate	
		TSUS item	Rate	TSUS item	Rate
Acid Black 177	11/77-11/78	409.66	30.7%	409.62	23.0%
Acid Black 188	10/77-10/78	409.66	30.7%	409.62	23.0%
Acid Black 199	2/76-2/77	409.66	30.7%	409.62	23.0%
Acid Blue 1	6/77-6/78	409.66	30.7%	409.62	23.0%
Acid Blue 175	4/77-4/78	409.66	30.7%	409.62	23.0%
Acid Blue 252	5/77-5/78	409.66	30.7%	409.62	23.0%
Acid Blue 284	11/77-11/78	409.66	30.7%	409.62	23.0%
Acid Blue 318	1/77-1/78	409.66	30.7%	409.62	23.0%
Acid Brown 85	6/77-6/78	409.66	30.7%	409.62	23.0%
Acid Brown 357	12/77-12/78	409.66	30.7%	409.62	23.0%
Acid Brown 384	8/77-8/78	409.66	30.7%	409.62	23.0%
Acid Green 89	10/77-10/78	409.66	30.7%	409.62	23.0%
Acid Orange 107	6/77-6/78	409.66	30.7%	409.62	23.0%
Acid Orange 144	3/77-3/78	409.66	30.7%	409.62	23.0%
Acid Red 183	8/77-8/78	409.66	30.7%	409.62	23.0%
Acid Red 215	8/76-8/77	409.66	30.7%	409.62	23.0%
Acid Red 330	8/76-8/77	409.66	30.7%	409.62	23.0%
Acid Red 359	4/77-4/78	409.66	30.7%	409.62	23.0%
Acid Red 360	8/77-8/78	409.66	30.7%	409.62	23.0%
Acid Yellow 70	11/77-11/78	409.66	30.7%	409.62	23.0%
Acid Yellow 199	1/78-1/79	409.66	30.7%	409.62	23.0%
Acid Yellow 221	10/77-10/78	409.66	30.7%	409.62	23.0%
Basic Blue 70	2/77-2/78	409.74	30.9%	409.70	22.6%
Basic Orange 48	1/77-1/78	409.74	30.9%	409.70	22.6%
Basic Red 22	5/77-5/78	409.74	30.9%	409.70	22.6%
Basic Red 75	8/76-8/77	409.74	30.9%	409.70	22.6%
Direct Black 114	11/77-11/78	409.82	28.6%	409.78	23.8%
Direct Red 221	11/77-11/78	409.82	28.6%	409.78	23.8%
Direct Yellow 27	4/77-4/78	409.82	28.6%	409.78	23.8%
Disperse Blue 35	12/77-12/78	409.90	27.8%	409.86	22.5%
Disperse Blue 73	11/77-11/78	409.90	27.8%	409.86	22.5%
Disperse Blue 126	8/77-8/78	409.90	27.8%	409.86	22.5%
Disperse Blue 148	9/77-9/78	409.90	27.8%	409.86	22.5%
Disperse Blue 289	5/77-5/78	409.90	27.8%	409.86	22.5%
Disperse Brown 1	7/76-7/77	409.90	27.8%	409.86	22.5%
Disperse Orange 54	8/77-8/78	409.90	27.8%	409.86	22.5%
Disperse Orange 60	1/77-1/78	409.90	27.8%	409.86	22.5%
Disperse Orange 139	10/77-10/78	409.90	27.8%	409.86	22.5%
Disperse Red 46	10/77-10/78	409.90	27.8%	409.86	22.5%
Disperse Red 169	8/76-8/77	409.90	27.8%	409.86	22.5%
Disperse Red 277	8/77-8/78	409.90	27.8%	409.86	22.5%
Disperse Red 288	6/77-6/78	409.90	27.8%	409.86	22.5%
Disperse Red 303	10/77-10/78	409.90	27.8%	409.86	22.5%
Disperse Violet 33	12/77-12/78	409.90	27.8%	409.86	22.5%
Disperse Violet 35	11/77-11/78	409.90	27.8%	409.86	22.5%
Disperse Violet 48	10/77-10/78	409.90	27.8%	409.86	22.5%
Disperse Violet 57	11/77-11/78	409.90	27.8%	409.86	22.5%
Disperse Yellow 85	11/77-11/78	409.90	27.8%	409.86	22.5%
Disperse Yellow 182	7/77-7/78	409.90	27.8%	409.86	22.5%
Disperse Yellow 183	7/77-7/78	409.90	27.8%	409.86	22.5%
Disperse Yellow 202	11/77-11/78	409.90	27.8%	409.86	22.5%
Pigment Brown 32	5/77-5/78	410.32	31.3%	410.28	20.4%
Pigment Red 68	10/76-10/77	410.32	31.3%	410.28	20.4%
Pigment Red 216	7/77-7/78	410.32	31.3%	410.28	20.4%
Pigment Violet 32	1/77-1/78	410.32	31.3%	410.28	20.4%
Pigment Yellow 16	11/77-11/78	410.32	31.3%	410.28	20.4%
Pigment Yellow 24	12/77-12/78	410.32	31.3%	410.28	20.4%
Pigment Yellow 62.1	12/77-12/78	410.32	31.3%	410.28	20.4%
Pigment Yellow 93	12/77-12/78	410.32	31.3%	410.28	20.4%
Pigment Yellow 95	10/77-10/78	410.32	31.3%	410.28	20.4%
Pigment Yellow 108	3/77-3/78	410.32	31.3%	410.28	20.4%
Pigment Yellow 138	11/77-11/78	410.32	31.3%	410.28	20.4%

Annex.—Chemicals or Products Which Were Not Valued on the Basis of American Selling Price and for Which a More Appropriate and Representative Rate of Duty Exists in Section 223 of the Trade Agreements Act of 1979—Continued

Chemical name/product	Representative period (month/year)	TSUS item number and column 1 rate of duty in section 223			
		Existing rate		More appropriate rate	
		TSUS item	Rate	TSUS item	Rate
Reactive Blue 19.....	12/77-12/78.....	410.08	27.8%	410.04	20.5%
Reactive Blue 21.....	12/77-12/78.....	410.08	27.8%	410.04	20.5%
Reactive Blue 27.....	10/77-10/78.....	410.08	27.8%	410.04	20.5%
Reactive Blue 63.....	11/77-11/78.....	410.08	27.8%	410.04	20.5%
Reactive Blue 73.....	11/77-11/78.....	410.08	27.8%	410.04	20.5%
Reactive Blue 99.....	3/77-3/78.....	410.08	27.8%	410.04	20.5%
Reactive Blue 137.....	12/77-12/78.....	410.08	27.8%	410.04	20.5%
Reactive Blue 139.....	3/77-3/78.....	410.08	27.8%	410.04	20.5%
Reactive Blue 162.....	11/77-11/78.....	410.08	27.8%	410.04	20.5%
Reactive Blue 163.....	3/77-3/78.....	410.08	27.8%	410.04	20.5%
Reactive Brown 7.....	12/77-12/78.....	410.08	27.8%	410.04	20.5%
Reactive Brown 18.....	1/77-1/78.....	410.08	27.8%	410.04	20.5%
Reactive Brown 26.....	3/77-3/78.....	410.08	27.8%	410.04	20.5%
Reactive Green 19.....	1/77-1/78.....	410.08	27.8%	410.04	20.5%
Reactive Orange 41.....	2/77-2/78.....	410.08	27.8%	410.04	20.5%
Reactive Orange 68.....	3/76-3/77.....	410.08	27.8%	410.04	20.5%
Reactive Red 24.....	1/76-1/77.....	410.08	27.8%	410.04	20.5%
Reactive Red 32.....	12/77-12/78.....	410.08	27.8%	410.04	20.5%
Reactive Red 85.....	9/76-9/77.....	410.08	27.8%	410.04	20.5%
Reactive Red 118.....	9/76-9/77.....	410.08	27.8%	410.04	20.5%
Reactive Red 141.....	12/77-12/78.....	410.08	27.8%	410.04	20.5%
Reactive Red 179.....	10/77-10/78.....	410.08	27.8%	410.04	20.5%
Reactive Violet 6.....	12/77-12/78.....	410.08	27.8%	410.04	20.5%
Reactive Yellow 2.....	9/77-9/78.....	410.08	27.8%	410.04	20.5%
Reactive Yellow 5.....	8/77-8/78.....	410.08	27.8%	410.04	20.5%
Reactive Yellow 37.....	3/77-3/78.....	410.08	27.8%	410.04	20.5%
Reactive Yellow 39.....	4/77-4/78.....	410.08	27.8%	410.04	20.5%
Solvent Black 29.....	8/77-8/78.....	410.00	28.0%	409.96	19.9%
Solvent Black 35.....	3/77-3/78.....	410.00	28.0%	409.96	19.9%
Solvent Blue 45.....	3/77-3/78.....	410.00	28.0%	409.96	19.9%
Solvent Brown 43.....	12/77-12/78.....	410.00	28.0%	409.96	19.9%
Solvent Orange 59.....	10/77-10/78.....	410.00	28.0%	409.96	19.9%
Solvent Orange 62.....	1/77-1/78.....	410.00	28.0%	409.96	19.9%
Solvent Red 7.....	12/77-12/78.....	410.00	28.0%	409.96	19.9%
Solvent Red 127.....	12/77-12/78.....	410.00	28.0%	409.96	19.9%
Solvent Yellow 30.....	8/77-8/78.....	410.00	28.0%	409.96	19.9%
Vat Blue 5.....	2/77-2/78.....	410.16	32.9%	410.12	20.9%
Vat Blue 16.....	11/77-11/78.....	410.16	32.9%	410.12	20.9%
Vat Brown 50.....	11/77-11/78.....	410.16	32.9%	410.12	20.9%
Vat Red 10.....	11/76-11/77.....	410.16	32.9%	410.12	20.9%
p-Acetacetotoluidide.....	1/77-1/78.....	405.32	1.7¢/lb+18.1%	405.28	1.7¢/lb+12.4%
1-Amino-4-bromo-2-methylanthraquinone.....	12/77-12/78.....	405.08	1.7¢/lb+18.1%	404.92	1.7¢/lb+12.2%
3-Amino-4-chlorobenzamide.....	5/76-5/77.....	405.32	1.7¢/lb+18.1%	405.28	1.7¢/lb+12.4%
2-Amino-6-chloro-4-nitrophenol.....	8/76-8/77.....	405.08	1.7¢/lb+15.6%	404.92	1.7¢/lb+12.2%
2-(p-Aminophenyl)-6-methylbenzothiazole (Dehydrothio-p-toluidine).....	11/77-11/78.....	406.40	1.7¢/lb+16.2%	406.36	1.7¢/lb+12.4%
Amino-J-pyrazolone.....	8/77-8/78.....	406.40	1.7¢/lb+16.2%	406.36	1.7¢/lb+12.4%
Benzoin-tetrahydropyranyl ether.....	9/77-9/78.....	406.40	1.7¢/lb+18.2%	406.36	1.7¢/lb+12.4%
1,1' Binaphthyl-8,8'-dicarboxylic acid.....	12/77-12/78.....	404.36	1.7¢/lb+22.7%	404.32	1.7¢/lb+11.6%
Bismuth tribromophenate.....	4/77-4/78.....	411.94	1.7¢/lb+18.7%	411.90	1.7¢/lb+12.8%
3-Chloro-o-toluidine.....	7/77-7/78.....	404.88	1.7¢/lb+18.8%	404.84	1.7¢/lb+12.4%
4-Chloro-a,a,a-trifluoro-o-toluidine.....	12/77-12/78.....	404.88	1.7¢/lb+18.8%	404.84	1.7¢/lb+12.4%
Cinnamoyl chloride.....	7/76-7/77.....	404.28	1.7¢/lb+17.9%	404.24	1.7¢/lb+12.6%
Clofibrate.....	12/77-12/78.....	412.10	1.7¢/lb+18.0%	412.06	1.7¢/lb+13.1%
2-Cyano-4-nitroaniline.....	8/76-8/77.....	404.88	1.7¢/lb+18.8%	404.84	1.7¢/lb+12.4%
N,N-Diethylmetanilic acid, sodium salt.....	2/77-2/78.....	404.88	1.7¢/lb+18.8%	404.84	1.7¢/lb+12.4%
2-Ethylamino-5-sulfobenzoic acid.....	10/77-10/78.....	406.40	1.7¢/lb+16.2%	406.36	1.7¢/lb+12.4%
N-Ethyl-o-toluidine.....	9/77-9/78.....	404.88	1.7¢/lb+18.8%	404.84	1.7¢/lb+12.4%
Formyl phenylacetic acid, methyl ester.....	6/76-6/77.....	404.46	1.7¢/lb+17.9%	404.40	1.7¢/lb+12.5%

[FR Doc. 79-35280 Filed 11-15-79; 8:45 am]

BILLING CODE 7020-02-M

## DEPARTMENT OF JUSTICE

## Antitrust Division

## Proposed Consent Judgment in United States v. Jos. Schlitz Brewing Co., et al., and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b) through (h), that a proposed consent judgment and a competitive impact statement as set forth below have been filed with the United States District Court for the District of Hawaii in *United States v. Jos. Schlitz Brewing Company, et al.*, Civil No. 77-0202.

The Complaint alleges that beginning at least as early as 1973 and continuing through December of 1974, the defendants and unnamed co-conspirators conspired to fix the price of beer sold to retailers and to consumers in the State of Hawaii.

The proposed judgment applies to four of the five defendants named in the Complaint. Defendant Jos. Schlitz Brewing Company is scheduled to be tried in February, 1980.

The proposed judgment would enjoin the four consenting beer wholesaler defendants for a period of 10 years from

entering into any agreement or arrangement to fix, raise or stabilize retail or consumer prices of beer in Hawaii. It also enjoins them from fixing, reducing or eliminating discounts on beer sold in Hawaii and from directly or indirectly discussing with each other or with any other wholesale seller of beer the wholesale or consumer price, discounts or other terms and conditions of sale such for beer in Hawaii. By the terms of the judgment, each wholesaler defendant also agrees that if it should sell all or substantially all of the assets of its beer operations to another beer wholesaler or prospective beer wholesaler while the judgment is in effect, the purchaser will agree to be bound by the provisions of the judgment.

Public comment is invited within the statutory 60-day comment period. Such comment and response thereto will be published in the Federal Register and filed with the Court. Comments should be directed to Anthony E. Desmond, Chief, San Francisco Office, Antitrust Division, 450 Golden Gate Avenue, Box 36046, San Francisco, California 94102.

Dated: November 2, 1979.

Joseph H. Widmar,  
Director of Operations, Antitrust Division.

United States District Court, District of Hawaii

*United States of America, Plaintiff, v. Jos. Schlitz Brewing Company; Muller & Phipps (Hawaii), Ltd.; Eagle Distributors, Inc.; Paradise Beverages, Inc.; and Foremost-McKesson, Inc., Defendants.*

Civil Action No. 77-0202

Filed: November 2, 1979

#### Stipulation

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. The parties consent that a Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. § 16), and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on defendants and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever and the making of this Stipulation shall be without prejudice to any party in this or any other proceeding. Dated: November 2, 1979

For the Plaintiff, John H. Shenefield,  
Assistant Attorney General. Joseph H. Widmar, Director of Operations. Charles

F. B. McAleer, *Special Assistant for Judgment Negotiations*. Anthony E. Desmond. Christopher S. Crook, John F. Young.

For the Defendants, Frank D. MacDowell, Esq., *Attorney for Muller & Phipps (Hawaii), Ltd.* James S. Campbell, Esq., *Attorney for Eagle Distributors, Inc.* Vernon F. L. Char, Esq., *Attorney for Paradise Beverages, Inc.* Bruce Bigelow, Esq., *Attorney for Foremost-McKesson, Inc.*

United States District Court, District of Hawaii

*United States of America, Plaintiff, v. Jos. Schlitz Brewing Company; Muller & Phipps (Hawaii), Ltd.; Eagle Distributors, Inc.; Paradise Beverages, Inc.; and Foremost-McKesson, Inc., Defendants.*

Civil No. 77-0202

#### Final Judgment

Filed: November 2, 1979

Plaintiff, United States of America, having filed its complaint herein on June 8, 1977, and plaintiff and defendants Muller & Phipps (Hawaii), Ltd., Eagle Distributors, Inc., Paradise Beverages, Inc., and Foremost-McKesson, Inc., by their respective attorneys, having each consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein and without this Final Judgment constituting any evidence against or an admission by any party with respect to any such issue.

Now therefore, before the taking of any testimony and without trial or adjudication of any issue of fact or law herein, and upon the consent of the parties hereto,

It is hereby ordered, adjudged and decreed as follows:

I

This Court has jurisdiction of the subject matter of this action and of each of the parties consenting hereto. The Complaint states a claim upon which relief may be granted against each defendant under Section 1 of the Sherman Act (15 U.S.C. § 1).

II

As used in this Final Judgment:

(A) "Person" means any individual, partnership, firm, corporation, association, or other business or legal entity;

(B) "Wholesale Price" means the price of beer charged by a beer wholesaler to a beer retailer; and

(C) "Consumer Price" means the price of beer charged by a beer retailer to consumers.

III

This Final Judgment applies to the consenting defendants and to their subsidiaries, successors, assigns, officers, directors, employees, and agents, and to all other persons in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service or otherwise.

IV

Each consenting defendant shall require, as a condition of the sale or other disposition of all, or substantially all, of its assets of its beer business or beer operations in Hawaii, to an acquiring party who is, at the time of

such sale or disposition, (1) a beer wholesaler in Hawaii, or (2) the successor franchisee of the beer franchise then held by the consenting defendant, that the acquiring party agree to be bound by the provisions of this Final Judgment. An acquiring party subject to this provision shall file with the Court, and serve upon the plaintiff, its consent to be bound by this Final Judgment.

V

Each consenting defendant is enjoined and restrained from entering into or maintaining any agreement, understanding, plan or program with any other person:

(1) To fix, raise, stabilize or maintain the wholesale price or consumer price of beer in Hawaii;

(2) To fix, reduce or eliminate discounts on the sale of beer in Hawaii; and

(3) To fix the terms or conditions of sale of beer in Hawaii.

VI

Defendants consenting hereto are enjoined and restrained from directly or indirectly discussing, with each other or with any other wholesale seller of beer, the wholesale or consumer prices, discounts or other terms or conditions of sale each such defendant charges, or proposes to have charged for beer sold in Hawaii.

VII

(A) Each defendant shall:

(1) Serve within sixty (60) days after entry of this Final Judgment a copy of this Final Judgment upon each of its officers and directors and upon each of its employees and agents who have any responsibility for establishing prices, discounts or other terms or conditions of sale of beer in Hawaii; and

(2) Serve a copy of this Final Judgment upon each successor to an officer, director, employee or agent described in Paragraph (A) (1) of this Section VII within Sixty (60) days after the succession occurs.

(B) Within ninety (90) days after entry of this Final Judgment, each defendant shall file with this Court and serve upon plaintiff an affidavit concerning the fact and manner of compliance with Paragraph (A) of this Section VII, such affidavit to include the names, addresses and, where applicable, job titles of all persons served with a copy of this Final Judgment.

VIII

The injunctions contained in this Final Judgment shall not apply to relations between a defendant and a parent or subsidiary of, or corporations under common control with, such defendant or between the officers, directors, agents and employees thereof.

IX

(A) For the purpose of determining or securing compliance with this Final Judgment:

(1) Duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to a defendant made to its principal office, be permitted, subject to any legally recognized privilege:

(a) Access during the office hours of such defendant to inspect and copy all books,

ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of defendant relating to any matters contained in this Final Judgment; and

(b) Subject to the reasonable convenience of such defendant and without restraint or interference from it, to interview officers, directors, agents, servants or employees of the defendant, who may have counsel present, regarding any such matters.

(2) Any defendant, upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division made to its principal office, shall submit such reports in writing, under oath if requested, with respect to any of the matters contained in this Final Judgment as may from time to time be requested.

(B) No information or documents obtained by the means provided in this Section IX shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

(C) If at the time information or documents are furnished by a defendant to plaintiff, the defendant represents and identifies in writing the material in any such information or documents which is of a type described in Rule 26(c)(7) of the Federal Rules of Civil Procedure, and the defendant marks each pertinent page of such material, "Subject to Claim of Protection under the Federal Rules of Civil Procedure," then twenty (20) days notice shall be given by plaintiff to the defendant prior to divulging such material in any legal proceeding (other than a grand jury proceeding) to which the defendant is not a party.

X

Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders or directions as may be necessary or appropriate for the construction or the carrying out of this Final Judgment, for the modification of any of the provisions thereof, for the enforcement of compliance herewith, or for the punishment of violations hereof.

XI

This Final Judgment shall be in full force and effect for a period of ten (10) years from the date of entry.

XII

Entry of this Final Judgment is in the public interest.

*United States District Judge.*

*United States District Court, District of Hawaii*

*United States of America, Plaintiff, v. Jos. Schlitz Brewing Company; Muller & Phipps (Hawaii), Ltd.; Eagle Distributors, Inc.; Paradise Beverages, Inc.; and Foremost-McKesson, Inc., Defendants.*

Civil No. 77-0202

Filed: November 2, 1979.

Pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act (15 U.S.C. 16(b)), the United States hereby submits this Competitive Impact Statement relating to the proposed consent judgment submitted for entry in this civil antitrust proceeding.

I

#### Nature of Proceeding

On June 8, 1977, a single count indictment was returned in the District of Hawaii against the five defendants named herein. The indictment charged a conspiracy to fix the retail and wholesale price of beer sold in Hawaii. On the day the indictment was filed, the Department of Justice also filed this companion civil case, *United States v. Jos. Schlitz Brewing Company, et al.*, Civ. No. 77-0202, against the same corporations named in the indictment alleging a conspiracy to fix the retail and wholesale price of beer sold in Hawaii.

The complaint asks the court to find that the defendants have violated Section 1 of the Sherman Act (15 U.S.C. 1) and further requests the court to enjoin the continuance of the conspiracy. Specifically, the complaint requests the court to enjoin the defendants from in any manner, directly or indirectly, conspiring to set the price of beer sold in Hawaii.

The criminal case and the companion civil case each named as defendants four wholesale beer distributors and one brewing company. The brewing company is Jos. Schlitz Brewing Company of Wisconsin. The wholesale beer distributors named were Muller & Phipps (Hawaii), Ltd., Eagle Distributors, Inc. of Hawaii, Paradise Beverages, Inc. of Hawaii, and Foremost-McKesson, Inc. of Maryland.

In the criminal case, defendants Muller & Phipps (Hawaii), Ltd., Eagle Distributors, Inc., Paradise Beverages, Inc., and three of the four individual defendants pleaded *nolo contendere* on July 19, 1977, and the remaining three defendants, including Foremost-McKesson, Inc., pleaded *nolo contendere* on September 10, 1977. On that day, Muller & Phipps was fined \$25,000, Eagle was fined \$15,000, and Paradise and Foremost-McKesson were each fined \$50,000.

The proposed consent decree does not include defendant Jos. Schlitz Brewing Company. As of this time, the government and defendant Schlitz have been unable to agree upon a consent decree, and trial is set for February 1980. The proposed consent decree is the result of negotiations and agreement among the government and the four wholesale beer distributors.

II

#### Practices Giving Rise to the Alleged Violation

The wholesale distributor defendants sell or sold beer to retail outlets in the State of Hawaii. Defendant Jos. Schlitz Brewing Company operated a brewery in Honolulu, Hawaii. Muller & Phipps (Hawaii), Ltd. was the wholesale distributor of Schlitz beer products. The other wholesale distributors sold many lines of beer and liquor and were distributors for the following major domestic brands of beer: Eagle Distributors distributed

Anheuser-Busch products, Paradise Beverages distributed Olympia products, and Foremost-McKesson, Inc. distributed Miller products. At the time of the alleged violation, the wholesaler defendants were the designated posting agents for the above-described brands of beer. As the designated agents, the defendants submitted to the respective county liquor commissions minimum consumer beer prices and their own wholesale prices to be charged to retailers. These prices were the prices at which the defendants were to sell their beer to retailers and the minimum prices at which retail outlets could sell beer to consumers pursuant to Hawaii State law.

The government contends and was prepared to show at trial that beginning at least as early as 1973 and continuing through December of 1974 the defendants combined and conspired to fix the price of beer sold to retailers and sold to consumers in the State of Hawaii. The government would show that the defendants and their representatives met and agreed upon prices prior to posting those prices with the county liquor commissions. The government was further prepared to show that the defendants posted prices in accord with their agreement and charged the prices as they had agreed to at their earlier meetings.

III

#### Explanation of the Proposed Consent Judgment

The United States and the four consenting defendants have agreed that the consent judgment in a form negotiated by the parties may be entered by the court at any time after compliance with the Antitrust Procedures and Penalties Act. The proposed judgment provides that there has been no admission by anybody with respect to any issue of fact or law. Under the provisions of Section 2(e) of the Antitrust Procedures and Penalties Act, entry of the consent judgment by the court is conditioned upon a determination of the court that the proposed judgment is in the public interest.

The proposed judgment will prohibit the wholesaler defendants from entering into any agreement or arrangement with any other person to fix, raise, or stabilize retail or consumer prices of beer in Hawaii. The proposed consent judgment also enjoins the four wholesaler defendants from fixing, reducing or eliminating discounts on beer sold in Hawaii and from fixing the terms or conditions of sale of beer sold in Hawaii. Further, the judgment will prohibit the defendants from directly or indirectly discussing with each other or with any other wholesale seller of beer the wholesale or consumer price, discounts or other terms or conditions of sale that each such defendant charges or proposes to have charged by the retailers for beer sold in Hawaii. By the terms of the decree, each wholesaler defendant also agrees that during the ten-year period of the decree if it should sell all or substantially all of the assets of its beer operations to another beer wholesaler or prospective beer wholesaler that the purchasing beer wholesaler will agree to be bound by the provisions of this judgment.

The proposed judgment is designed to prevent any recurrence of the activities

alleged in the complaint. The prohibitions in judgment are intended to insure that future price actions of the defendants will be independently determined without the restraining and artificial influences which result from communication and agreements among competitors.

The judgment provides methods for determining the defendants' compliance with the terms of the judgment. Officers, employees, and agents of each defendant may be interviewed by duly authorized representatives of the Department of Justice regarding the defendants' compliance with the judgment. The government, on reasonable notice, is entitled to examine the records of the defendants for possible violations of the judgment. In addition, upon written request, the government may require defendants to submit reports on matters contained in the judgment. Finally, the defendants are required to serve a copy of the judgment upon successors of the officers, directors, and employees of defendants who have responsibility for making beer pricing decisions.

#### IV

##### Exemptions or Modifications in the Decree

Section VII provides that the prohibitions in the proposed judgment do not apply to relations between a defendant and its parent or subsidiary which are under common control. The government did not object to this provision because the decree is not to limit communications between a parent and its subsidiary concerning prices to be charged by the parent or subsidiary but rather to limit communications among competitors concerning the prices to be charged for beer in Hawaii.

Counsel for defendant Muller & Phipps (Hawaii), Ltd. has requested a modification of the provisions of Section VII(A)(2) for just their company, which request will be honored by the government. Section VII(A)(2) of the proposed judgment requires the service of copies of the judgment on all future officers, directors, and employees. In November of 1975, Muller & Phipps ceased all beer business activities in the State of Hawaii. The modification is requested in order to alleviate the unnecessary burden of continued service of the decree on corporate officials while the firm remains out of the beer business. Muller & Phipps requested that they not be required to serve the decree until they re-enter the beer business. Muller & Phipps has agreed to implement several corporate resolutions which insure that, upon the corporation's resumption of activity in the beer business in Hawaii, it will begin serving copies of the decree upon their officers and directors. The corporate resolutions also provide that Muller & Phipps will give notice to the United States of their re-entry into the beer business. Copies of the pertinent correspondence, including the proposed corporate resolutions, are attached to this competitive impact statement.

#### V

##### Remedies Available to Potential Private Litigants

Section 4 of the Clayton Act (15 U.S.C. 15) provides that any person who has been

injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damage such person has suffered, as well as costs and reasonable attorney fees. Entry of the proposed consent judgment in this proceeding will neither impair nor assist bringing of any such private antitrust action. Under the provisions of Section 5(a) (15 U.S.C. 16(a)), this consent judgment has no *prima facie* effect in the lawsuits which have or may be brought against these defendants.

#### VI

##### Procedures Available for Modification of the Proposed Judgment

As provided by the Antitrust Procedures and Penalties Act, any person believing that the proposed consent judgment should be modified may send written comments to Anthony E. Desmond, Department of Justice, Antitrust Division, 450 Golden Gate Avenue, Box 38048, San Francisco, California 94102, within sixty days. These comments and responses to them will be filed with the court and published in the Federal Register. All comments will be given due consideration by the Department of Justice which remains free to withdraw its consent to the proposed consent judgment at any time prior to entry if it should determine that some modification is necessary. The proposed judgment provides that the court retains jurisdiction. The parties may apply to the court for such orders as may be necessary or appropriate for modification of the judgment.

#### VII

##### Alternatives to the Proposed Consent Judgment Considered by the United States

An alternative to the proposed judgment considered by the Department of Justice was a full trial on the merits. It was determined that such a trial involved substantial expense to the United States and was not warranted since the equitable remedies set forth in the proposed consent judgment will be effective to restore competition among these consenting defendants in the wholesale beer industry in Hawaii.

#### VIII

##### Determinative Documents

Other than the correspondence referred to in Paragraph IV herein, there are no materials or documents which were determinative in formulating a proposal for a consent judgment and, therefore, none are being filed by the government pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act (15 U.S.C. 16(b)).

Dated: November 2, 1979.

Christopher S. Crook,  
John F. Young,  
Attorneys, Department of Justice.  
September 28, 1978.

Re United States vs. Jos. Schlitz Brewing Co., et al., Civ. No. 77-0202 (D. Hawaii)—Consent Decree.

Christopher S. Crook, Esq.,  
Trial Attorney, United States Department of Justice, Antitrust Division, Federal Building, 450 Golden Gate Avenue, San Francisco, California.

Dear Mr. Crook: This letter is written to request Department of Justice approval for an alternative method of compliance with the provisions of the proposed consent judgment in the above-captioned case.

In November, 1975, Muller & Phipps (Hawaii) Ltd. ceased all business activities in the wholesale distribution and sale of beer (hereinafter "the beer business") following the termination of the company's distributorship franchise by the Jos. Schlitz Brewing Company earlier in that year. Thus while as a defendant in the above-captioned case the company is technically subject to the proposed judgment, Muller & Phipps (Hawaii) Ltd. is not at present engaged in any activities covered by the judgment.

Section VII(a) (2) of the proposed judgment requires Muller & Phipps (Hawaii) Ltd. to serve copies of the judgment on all future officers and directors, whether or not the firm is engaged in the beer business. To alleviate the unnecessary burdens of continued service of the decree on corporate officials while the firm remains out of the beer business, we request on behalf of our client that the Department agree to accept the following proposal as an alternative means of complying with the letter and spirit of Section VII of the judgment. The alternative compliance procedure proposed is as follows:

1. Muller & Phipps (Hawaii) Ltd. will serve upon each present director and officer of the corporation a copy of the consent decree as required by Section VII(A) (1)
2. The Board of Directors of Muller & Phipps (Hawaii) Ltd. will pass corporate resolutions requiring Board approval before the corporation can re-enter the beer business in Hawaii and providing that the corporate secretary will annually survey the corporation's activities to ensure that the corporation has not re-entered the beer business without Board approval, and will report the results of his survey to the Board. (A copy of the proposed corporate resolutions is attached to this letter.)

3. In the event the corporation re-enters the beer business in Hawaii, the proposed corporate resolutions require the corporation to report such re-entry to government counsel. At such time Muller & Phipps (Hawaii) Ltd. will re-institute service of the consent decree on all directors, officers, employees and agents as required by Section VII of the decree.

Please advise me whether the proposed alternative method of compliance is acceptable to the Government.

Sincerely yours,

Thelen, Marrien Johnson & Bridge  
By Frank D. MacDowell,  
Attorneys for Muller & Phipps (Hawaii) Ltd.

##### Proposed Corporate Resolutions

Whereas, prior to December 1975, this Company ceased to be engaged in the business of distributing and selling beer (hereinafter "the beer business") and presently has no plan or intention of re-entering the business; and

Whereas, this Company is a defendant in an action entitled "United States of America, Plaintiff, vs. Jos. Schlitz Brewing Company; Muller & Phipps (Hawaii) Ltd., Eagle

Distributors, Inc.; Paradise Beverages, Inc.; and Foremost-McKesson, Inc., Civil No. 77-0202," pending in the United States District Court for the District of Hawaii, in which action a Final Judgment by consent of parties will be entered; and

Whereas, the Antitrust Division of the United States Department of Justice has advised counsel of record for this Company in that action that after filing the initial report to be required by said Final Judgment, this Company need not file any further report required by said Final Judgment unless or until this Company re-enters the beer business in the State of Hawaii, at which time all of the provisions of such Final Judgment would apply to this Company;

Therefore, Resolved, that this Company shall not re-enter the beer business in the State of Hawaii within ten (10) years from the date of entry of said Final Judgment without (1) specific authorization of this Board of Directors and (2) written notice thereof at the earliest practicable time to the Antitrust Division of the United States Department of Justice.

Further Resolved that the Secretary of this Company be, and he hereby is, instructed to determine at the time of the annual meeting of the Board of Directors of this Company each year that this Company has not re-entered the beer business in the State of Hawaii other than in compliance with the provisions of the foregoing resolution, and to prepare and file a certificate to that effect with the minutes of each such annual meeting prior to the annual meeting in 1990.

November 30, 1978.

Re *U.S. v. Jos. Schlitz Brewing Co., et al.*, Civ. No. 77-0202 (D. Hawaii)—Consent Decree.

Frank MacDowell, Esq.,  
Thelen, Marrin, Johnson & Bridges, Two  
Embarcadero Center, San Francisco,  
California.

Dear Mr. MacDowell: The Department has received your letter dated September 28, 1978. In light of Muller & Phipps' absence from the wholesale beer business in Hawaii, no purpose is met by serving the proposed judgment, which only affects sales of beer in Hawaii, on future officers and directors until such time as Muller & Phipps re-enters the Hawaii beer business. Your proposal, as explained in your letter of September 28, 1978, is acceptable to the Government as a means of ensuring compliance with Section VII(A)(2) should Muller & Phipps re-enter the Hawaii beer business.

Your letter and this letter will be attached to the Competitive Impact Statement to be filed in this case and published pursuant to the Antitrust Procedures and Penalties Act.

Sincerely yours,

Christopher S. Crook,  
Trial Attorney, Antitrust Division.  
July 7, 1979.

Re *United States vs. Jos. Schlitz Brewing Company, et al.* Civ. No. 77-0202 (D. of Hawaii).

Christopher S. Crook, Esq.,  
Trial Attorney, Antitrust Division,  
Federal Building, 450 Golden Gate Avenue,  
San Francisco, CA.

Dear Chris: Pursuant to our conversation of July 5, I enclose a revised set of corporate resolutions on one sheet, undated, entitled "Proposed Corporate Resolutions." As we discussed, this sheet is to be attached to my letter to you of September 28, 1978 in substitution of the earlier attachment to that letter dated 9/28/78.

The sole purpose of the revised resolutions, the language of which we have previously agreed upon, is to embody the ten-year limitation now incorporated in the proposed Final Judgment.

On reviewing your files you will find that my September 28, 1978 letter and attachment, together with your reply dated November 30, 1978 and your interpretive letter dated April 12, 1979, constitute the alternative compliance procedure for defendant Muller & Phipps (Hawaii) Ltd.

I stress this because in your November 30, 1978 letter you informed me that my letter of September 28, 1978 (with attachment) and your November 30, 1978 letter will be attached to the Competitive Impact Statement to be filed in this case and published pursuant to the Antitrust Procedures and Penalties Act. Therefore, to complete our records, will you kindly acknowledge receipt of these new enclosed resolutions and advise me when they have been substituted for the old set as the attachment to my said letter of September 28, 1978.

Very truly yours,

Frank D. MacDowell

#### Proposed Corporate Resolutions

Whereas, prior to December 1975, this Company ceased to be engaged in the business of distributing and selling beer (hereinafter "the beer business") and presently has no plan or intention of re-entering the business; and

Whereas, this Company is a defendant in an action entitled "United States of America, Plaintiff, vs. Jos. Schlitz Brewing Company; Muller & Phipps (Hawaii) Ltd., Eagle Distributors, Inc.; Paradise Beverages, Inc.; and Foremost-McKesson, Inc., Civil No. 77-0202," pending in the United States District Court for the District of Hawaii, in which action a Final Judgment by consent of parties will be entered; and

Whereas, the Antitrust Division of the United States Department of Justice has advised counsel of record for this Company in that action that after filing the initial report to be required by said Final Judgment, this Company need not file any further report required by said Final Judgment unless or until this Company re-enters the beer business in the State of Hawaii, at which time all of the provisions of such Final Judgment would apply to this Company;

Therefore, Resolved, that this Company shall not re-enter the beer business in the State of Hawaii within ten (10) years from the date of entry of said Final Judgment without (1) specific authorization of this Board of Directors and (2) written notice thereof at the earliest practicable time to the Antitrust Division of the United States Department of Justice.

Further Resolved, that the Secretary of this Company be, and he hereby is, instructed to

determine at the time of the annual meeting of the Board of Directors of this Company each year that this Company has not re-entered the beer business in the State of Hawaii other than in compliance with the provisions of the foregoing resolution, and to prepare and file a certificate to that effect with the minutes of each such annual meeting prior to the annual meeting in 1990.

[FR Doc. 79-35310 Filed 11-15-79; 8:45 am]

BILLING CODE 4410-01-M

#### Office of the Attorney General

[AAG/A Order No. 35-79]

#### Privacy Act of 1974; Amended System of Records

Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), notice is hereby given that the Department of Justice proposes a major modification of a system of records maintained by the Drug Enforcement Administration (DEA).

The DEA Training Files (JUSTICE/DEA-015) is a system of records for which public notice was most recently published at 42 FR 53308, September 30, 1977 (See also, Vol. III, Privacy Act Issuances, 1978 Compilation at page 19). DEA proposes to amend the system to include the categories of records set forth in the attached notice as categories (A) through (G). In addition the system will be modified by storing this data on magnetic tape. Other data now in the system, categories of records identified as (H) through (K) in the attached notice, will continue to be maintained on index cards and in file folders.

5 U.S.C. 552a(e)(4) and (11) provide that the public be given a 30-day period in which to comment; the Office of Management and Budget, which has oversight responsibility under the Act, requires a 60-day period in which to review the system before it is implemented. Therefore, the public, the Office of Management and Budget (OMB), and the Congress are invited to submit written comments on this system. Comments should be addressed to the Administrative Counsel, Justice Management Division, Room 1214, Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530. If no comments are received from either the public, OMB, or the Congress on or before January 15, 1980, the system will be implemented without further notice in the Federal Register. No oral hearings are contemplated.

A report of the proposed system has been provided to the Director, OMB, to the President of the Senate and to the Speaker of the House of Representatives.



Dated: November 6, 1979.

Kevin D. Rooney,  
Assistant Attorney General for  
Administration.

Justice/DEA-015

**SYSTEM NAME:**

Training Files.

**SYSTEM LOCATION:**

Drug Enforcement Administration,  
1405 I Street N.W., Washington, D.C.  
20537.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals who have attended  
*training programs sponsored by the*  
Drug Enforcement Administration  
National Training Institute.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

(A) *Student names*; (B) *Dates and locations of schools*; (C) *Class average and individual student grades*; (D) *Locations of student's employers*; (E) *Number of years experience in general law enforcement and drug law enforcement*; (F) *Classification of student's employers by State, local, county, or Federal*; (G) *Type of school attended*; (H) *Class rosters*; (I) *Biographic data*; (J) *Evaluation reports*; (K) *Application and attendance records*.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

This system is maintained to provide educational and training programs on drug abuse and controlled substances law enforcement pursuant to the Comprehensive Drug Abuse Prevention and Control Act of 1970.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

This system is maintained to assist in performing the administrative functions of the National Training Institute and is used to prepare Class Directories, Class Rosters, Program Evaluation Reports and Statistical Reports. In addition, information from this system is provided to Federal, State and local law enforcement and regulatory agencies employing former students and to students enrolled in the program.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

*The manual records in this system are maintained on index cards and in file folders and the automated portion is maintained on magnetic tape.*

**RETRIEVABILITY:**

*Data may be retrieved by the student's last name, school location code, or by beginning course dates.*

**SAFEGUARDS:**

This system of records is maintained at DEA Headquarters which is protected by twenty-four hour guard service and electronic surveillance. Access to the building is restricted to DEA employees and those persons transacting business within the building who are escorted by DEA employees. In addition, access is limited to National Training Institute personnel on a need-to-know basis.

**RETENTION AND DISPOSAL:**

Records in this system are currently maintained indefinitely.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Office of Training, Drug Enforcement Administration, 1405 I Street, N.W., Washington, D.C. 20537.

**NOTIFICATION PROCEDURE:**

Inquiries should be addressed to: Freedom of Information Unit, Drug Enforcement Administration, 1405 I Street N.W., Washington, D.C. 20537. Inquiries should contain name; date and place of birth; and dates of attendance at courses sponsored by the National Training Institute.

**RECORD ACCESS PROCEDURES:**

Same as above.

**CONTESTING RECORD PROCEDURES:**

Same as above.

**RECORD SOURCE CATEGORIES:**

A) Students; B) Instructors.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

[FR Doc. 79-35438 Filed 11-15-79; 8:45 am]  
BILLING CODE 4410-09-M

[AAG/A Order No. 36-79]

**Privacy Act of 1974; New System of Records**

Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), notice is hereby given that the Department of Justice, Office of Legal Counsel (OLC), has established a system of records.

The Office of Legal Counsel Central File (JUSTICE/OLC-003), is a new system of records for which no public notice consistent with the provisions of 5 U.S.C. 552a(e)(4) has been published in the Federal Register.

5 U.S.C. 552a(e)(4) and (11) provide that the public be given a 30-day period in which to comment; the Office of Management and Budget (OMB), which has oversight responsibility under the Act, requires a 60-day period in which to review the system before it is implemented. Therefore, the public, OMB, and the Congress are invited to submit written comments on this system. Comments should be addressed to the Administrative Counsel, Justice Management Division, Room 1214, Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530. However, a waiver of the 60-day waiting period has been requested of OMB. If the waiver is granted, the system will continue operating. If the waiver is not granted, the system will cease operating for 60 days. If no comments are received from either the public or the Congress on or before January 15, 1980, the system will be implemented without further notice in the Federal Register. No oral hearings are contemplated.

A report of the proposed system has been provided to the Director, OMB; to the President of the Senate; and to the Speaker of the House of Representatives.

Dated: November 6, 1979.  
Kevin D. Rooney,  
Assistant Attorney General for  
Administration.

Justice/OLC-003

**SYSTEM NAME:**

Office of Legal Counsel Central File

**SYSTEM LOCATION:**

U.S. Department of Justice; Office of Legal Counsel; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

The system will permit name retrieval of information concerning persons mentioned in the legal opinions, memoranda, correspondence, testimony and other writings of the Office of Legal Counsel. These will include:

(A) Addresses, authors and employees of the Office of Legal Counsel whose name appears in memoranda, opinions, correspondence, testimony and other writings of the Office;

(B) Individuals who are the subject of opinions, particularly on such subjects as conflict of interest, employee standards of conduct, and immigration;

(C) Attendees at meetings described in a memorandum included in the file;

(D) Litigants and judges identified in connection with reported court decisions and pending cases described in memoranda; and

(E) Other individuals identified in connection with questions presented to the Office of Legal Counsel for resolution or comment.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

The system consists of memoranda, opinions, correspondence, testimony and other writings of the Office of Legal Counsel from 1945 to the present.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

The system is maintained pursuant to the responsibilities of the Office of Legal Counsel set forth in 28 CFR § 0.25.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Information contained in this system is provided to the following categories of users for the purposes stated:

(A) Access to the computerized files of the Office of Legal Counsel will be confined to employees of the Office of Legal Counsel and other employees of the department of Justice with specific permission, but the records will be available initially to the contractor preparing the records for computerization;

(B) With the approval of the addressees, selected recent opinions of the Office of Legal Counsel will be published for general use, but normally personal information about individuals will be deleted;

(C) Unpublished opinions of the Office of Legal Counsel are ordinarily made available upon request only with the

approval of the addressee of the opinion.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

The indices are maintained on 5 x 7 cards in a master subject-matter index on all Office of Legal Counsel memoranda, opinions, correspondence, testimony and other writings. In addition, to facilitate Freedom of Information Act/Privacy Act searches, an alphabetical assortment of cards has been established within the immigration and conflict of interest opinion indices which contain the names of individuals who are the subject of these opinions. These are, in effect, cross-indices to a small portion of the Office of Legal Counsel's overall opinions that are otherwise indexed and retrieved according to subject matter. These indices are maintained to assist in the retrieval of opinions and memoranda from chronological files. However, because the system is undergoing gradual conversion to a computerized system to facilitate legal research, some opinions are also now stored on magnetic disks. Even though the software design creates the capability for name retrieval, the purpose of the design is to facilitate retrieval by legal subject matter and the Office of Legal Counsel will continue to utilize the system in this manner.

**RETRIEVABILITY:**

The alphabetical card index on conflict of interest and immigration opinions will be retrieved by name. In addition, while that information which has been entered into the computer to date may be retrieved by name, all information, except that on conflict of interest and immigration opinions, will ordinarily continue to be retrieved by legal subject matter since the Office seldom has the need to focus on a name in legal research.

**SAFEGUARDS:**

Index cards and chronological files are kept in locked offices when unattended. Access is restricted to those personnel with a need to know.

The compilation of Office of Legal Counsel opinions available on magnetic tape is subject to three access limitations designed to insure that only authorized attorneys of the Office of Legal Counsel have access. First, the opinions in the computer system can be retrieved only by those persons having a specified identification number, and numbers are assigned only to attorneys of the Office of Legal Counsel. Second,

there is an access code word in addition to the identification number required for access to the opinions, and the code word is made known only to the Office of Legal Counsel attorneys. Third, with the limited exception noted below, the opinions can be retrieved only on the terminal located in the Office of Legal Counsel, and the terminal is in a locked room to which only Office of Legal Counsel personnel (and building maintenance personnel) have keys.

During the period in which the opinions are being computerized an exception to these access restrictions has been made so that the contracting assistant in the Justice Management Division who is overseeing the computerization also has access to the opinions. Once computerization is complete, this access will cease.

**RETENTION AND DISPOSAL:**

The records will be maintained indefinitely.

**SYSTEM MANAGER AND ADDRESS:**

Administrative Officer, Office of Legal Counsel; U.S. Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

**NOTIFICATION PROCEDURES:**

Inquiries should be addressed to the Assistant Attorney General, Office of Legal Counsel, at the above address.

**RECORD ACCESS PROCEDURES:**

Same as above.

**CONTESTING RECORDS PROCEDURES:**

Same as above.

**RECORD SOURCE CATEGORIES:**

General legal research sources and individuals and agencies requesting opinions from the Office of Legal Counsel.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

[FR Doc. 79-35438 Filed 11-15-79; 8:45 am]

BILLING CODE 4410-01-M

**DEPARTMENT OF LABOR****Employment and Training Administration****Indian and Native American Programs; Native American Grantees Under Section 302 of the Comprehensive Employment and Training Act**

**AGENCY:** Employment and Training Administration, Labor.

**ACTION:** Notice.

**SUMMARY:** The purpose of this Notice is to inform the public of the designation of Fiscal Year 1980 Native American Grantees funded under the Comprehensive Employment and Training Act (CETA). Their Fiscal Year 1980 allocations, and the demographic data used as the basis for those allocations, are also listed.

**FOR FURTHER INFORMATION CONTACT:** William J. McVeigh, Manpower Development Specialist, Division of Indian and Native American Programs, Office of National Programs, 601 D Street, N.W., Room 6414, Washington, D.C. 20213. Telephone (202) 376-7282.

**SUPPLEMENTARY INFORMATION:** Indian and Native American Programs under the Comprehensive Employment and Training Act are administered nationally by the Division of Indian and Native American Programs (DINAP), Office of National Programs, Employment and Training Administration, Department of Labor,

601 D Street, N.W., Room 6402, Washington, D.C. 20213, Telephone (202) 376-6102. Mr. Alexander S. MacNabb is the Director, DINAP.

Attached is a listing of Native American Grantees, their Fiscal Year 1980 allocations and the demographic data used as the basis for those allocations. Using 1970 Bureau of the Census data, 25 percent of the Title III allocation is based on the number of unemployed in the area, and 75 percent is based on the number of low-income persons in the area. All the remaining titles' funds are allocated proportionately on the basis of the number of unemployed persons in the areas as determined in 1979 by the Bureau of Indian Affairs.

Signed at Washington, D.C., this 24th day of October 1979.

Alexander S. MacNabb,  
*Director, Division of Indian and Native American Programs, Office of National Programs.*

U.S. Department of Labor—Employment and Training Administration Office of National Programs,  
Division of Indian and Native American Programs

[Fiscal year 1980 native American allocations]

October 1, 1979.

	Title III	Title II D	Title VI	YCCIP	YETP	Total
Mr. Eddie Leon Tullis, Chairman, Creek Nation East of Mississippi Inc., Route 3, Box 243A, Atmore, Ala. 36502	198,410	0	0	0	0	198,410
Mr. Morris Thompson, President, Alaska Federation of Natives, Inc., 1577 C Street, Suite 304, Anchorage, Alaska 99501	191,646	313,874	324,168	23,258	120,116	973,062
Mr. Patrick Pietnikoff, Executive Director, Aleutian/Pribilof Islands Association, 1689 C Street, Anchorage, Alaska 99501	158,937	157,703	162,875	11,686	60,351	551,552
Mr. Fred Angason, Executive Director, Bristol Bay Native Association, P.O. Box 179, Dillingham, Alaska 99576	262,897	300,400	310,253	22,260	114,960	1,010,770
Mr. Jake Lestenkof, Executive Director, Cook Inlet Native Association, 1057 West Fireweed Lane, Anchorage, Alaska 99503	380,166	784,225	809,947	58,111	300,115	2,332,564
Mr. Robert Marshall, President, Copper River Native Association, Drawer H, Copper Center, Alaska 99573	55,104	41,033	42,379	3,041	15,703	157,260
Mr. Woodrow Morrison, President, Dena AKA Corporation, 200 N. Cushman Street, Suite 5, Fairbanks, Alaska 99701	577,771	764,015	789,073	56,613	292,380	2,479,852
Mr. Charles H. Johnson, Executive Vice President, Kawerak Incorporated, P.O. Box 948, Nome, Alaska 99762	415,672	394,103	407,029	29,203	150,819	1,396,826
Mr. Frank Peterson, Executive Director, Kodiak Area Native Association, P.O. Box 172, Kodiak, Alaska 99615	126,889	138,105	142,634	10,233	52,851	470,712
Mr. Dennis Tiepelman, President, Mauneluk Association, P.O. Box 256, Kotzebue, Alaska 99752	258,023	302,650	312,783	22,441	115,897	1,011,994
Mr. Solomon D. Atkinson, Mayor, Metlakatla Indian Community, P.O. Box 8, Metlakatla, Alaska 99926	176,957	81,148	83,809	6,013	31,054	378,981
Mr. Derenty Tabios, Executive Director, North Pacific Rim, 903 W. Northern Lights Blvd., Suite 203, Anchorage, Alaska 99503	101,214	108,708	112,273	8,055	41,601	371,851
Mr. Hank Cavallera, Sitka Community Association, 132 Lincoln Street, P.O. Box 4360, Mt. Edgecombe, Alaska 99835	66,716	119,425	123,342	8,849	45,703	364,035
Mr. Raymond Paddock, President, Tignit and Haida Council, One Sealaska Plaza, Suite 200, Juneau, Alaska 99801	512,030	864,761	893,123	64,078	330,935	2,664,927
Mr. Carl Jack, President, Yupiktak Bista, Inc., P.O. Box 848, Bethel, Alaska 99559	107,867	1,242,634	1,283,390	92,079	475,543	4,201,513
Mr. Arnold Taylor, Chairman, American Indian Association of Tucson, Inc., 375 S. Stone Avenue, Tucson, Ariz. 85701	354,311	0	0	0	0	354,311
Mr. Donald Holroyd, Chairman, Affiliation of Arizona Indian Centers, Inc., 2721 N. Central Avenue, Suite 908, Phoenix, Ariz. 85004	788,426	0	0	0	0	788,426

U.S. Department of Labor—Employment and Training Administration Office of National Programs,  
Division of Indian and Native American Programs—Continued

[Fiscal year 1980 native American allocations]

	Title III	Title II D	Title VI	YCCIP	YETP	Total
Mr. Franklin McCabe, Chairman, Colorado River Indian Tribes, Route 1, Box 23-B, Parker, Ariz. 85344 .....	98,281	97,990	101,204	7,261	37,500	342,236
Mr. Alexander Lewis, Governor, Gila River Indian Community, Box 97, Sacaton, Ariz. 85247 .....	706,988	256,305	284,711	18,992	93,085	1,345,081
Mr. Abbott Sekaquaptewa, Chairman, Hopi Tribal Council, Box 123, Oraibi, Ariz. 86039 .....	471,605	358,888	370,659	26,593	137,343	1,365,088
Mr. Melton Campbell, Chairman, Indian Development District of Arizona, Inc., 1777 W. Camelback Road, Suite A-108, Phoenix, Ariz. 85015 .....	193,799	212,516	219,486	15,747	81,327	722,875
Mr. Joe W. Washington, Executive Director, Native Americans for Community Action, 15 North San Francisco, P.O. Box 572, Flagstaff, Ariz. 86002 .....	450,863	0	0	0	0	450,863
Mr. Peter MacDonald, Chairman, Navajo Nation, Window Rock, Ariz. 86515 .....	7,619,466	6,738,862	9,025,480	647,546	3,344,269	29,375,623
Mr. Cecil Williams, Chairman, the Papago Tribe of Arizona, P.O. Box 837, Sells, Ariz. 85634 .....	596,467	615,193	635,370	45,586	235,428	2,128,044
Mr. Loon Ben, Chairperson, Phoenix Indian Center, Inc., 3302 N 7th Street, Phoenix, Ariz. 85014 .....	480,242	0	0	0	0	480,242
Mr. Gerald Anton, Chairman, Salt River Pima-Maricopa Indian Community, Route 1, Box 216, Scottsdale, Ariz. 85256 .....	163,912	62,469	64,517	4,629	23,906	319,433
Mr. Ned Anderson, Chairman, San Carlos Apache Tribe, P.O. Box "O", San Carlos, Ariz. 85550 .....	455,848	244,362	252,377	18,107	93,515	1,064,209
Mr. Ronnie Lupe, Chairman, White Mountain Apache Tribe, P.O. Box 700, White River, Ariz. 85941 .....	594,873	275,597	284,636	20,422	105,468	1,280,996
Mr. Maxwell Dyer, Chairman, American Indian Center of Arkansas, Inc., 4318 West Markham St., Little Rock, Ark. 72205 .....	156,105	0	0	0	0	156,105

This Data is Entered for the Record Only. No Grantee Has Yet Been Designated for the San Diego Area for Fiscal Year 1980

San Diego, California .....	370,926	0	0	0	0	370,926
Mr. Lawrence Blacktooth, Chairman, California Indian Manpower Consortium, 4411 Auburn Boulevard, Suite J, Sacramento, Calif. 95841 .....	2,147,701	565,279	583,819	41,8870	216,326	3,555,012
Mr. Robert F. Musgrove, Chairman, Candelaria American Indian Council, 301 N. A Street, Oxnard, Calif. 93030 .....	289,147	0	0	0	0	289,147
Ms. Allene Goddard, Chairperson, Consortium of United Indian Nations, 229 Valencia Street, San Francisco, Calif. 94103 .....	909,316	0	0	0	0	909,316
Mr. Beverly McComb, Chairperson, Fresno American Indian Council, 5150 N 6th Street, Suite 162, Fresno, Calif. 93710 .....	357,789	0	0	0	0	357,789
Mr. Dale Risling, Chairman, Hoopa Valley Business Council, P.O. Box 815, Hoopa, Calif. 95546 .....	113,471	124,631	128,719	9,235	47,695	423,751
Mr. David Rambeau, Executive Director, Indian Centers, Inc., 1111 W. Washington Blvd., Los Angeles, Calif. 90015 .....	1,841,186	0	0	0	0	1,841,186
Mr. Jay Wise, Chairman, Indian Center of San Jose, Inc., 3485 East Hill Drive, San Jose, Calif. 95127 .....	311,780	0	0	0	0	311,780
Mr. Sam A. Pinto, President, Board of Directors, Orange County Indian Center, Inc., 12511 Brookhurst Street, Suite No. 1, Garden Grove, Calif. 92640 .....	267,763	0	0	0	0	267,763
Mr. George Eifman, Chairman, Sacramento Indian Center, Inc., 1929 V Street, Sacramento, Calif., 95818 .....	225,585	0	0	0	0	225,585
Mr. Thomas Phillips, Executive Director, San Bernardino Indian Center, 800 N. F. Street, San Bernardino, Calif. 92401 .....	230,272	0	0	0	0	230,272
Mr. Milton Marks, Chairman, Tri-County, Indian Development Council, Inc., 324 7th Street, Eureka, Calif. 95501 .....	378,886	37,052	38,268	2,746	14,180	471,132
Mr. David Perl, Chairman, YA-KA-AMA Indian Education and Development, Inc., 6215 Eastside Road Healdsburg, Calif. 95448 .....	192,944	0	0	0	0	192,944
Mr. Robert Ore, Executive Director, Colorado Department of Labor and Employment, 251 E. 12th Avenue, Denver, Colo. 80203 .....	57,511	85,435	88,237	6,331	32,695	270,209
Mr. Mike Adams, Chairman, Denver Native American United, 1580 Gaylord Street, Denver, Colo. 80206 .....	494,144	0	0	0	0	494,144
Mr. Scott Jacket, Chairman, Ute Mountain Indian Tribe, General Delivery, Towaoc, Colo. 81334 .....	93,119	105,033	108,478	7,783	40,195	354,608
Mr. Alton Smith, Chairman, American Indians for Development, Inc., 21 Cooke Avenue, P.O. Box 117, Meriden, Conn. 06450 .....	174,804	0	0	0	0	174,804

**U.S. Department of Labor—Employment and Training Administration Office of National Programs,  
Division of Indian and Native American Programs—Continued**

[Fiscal year 1980 native American allocations]

	Title III	Title II D	Title VI	YCCIP	YETP	Total
Mr. Donald P. Whiteley, Secretary of Labor, Office of CETA Planning and Administration, Department of Labor, State of Del., 701 Shipley Street Wilmington, Del. 19801 .....	38,956	0	0	0	0	38,956
Mr. Joe A. Quetone, Executive Director, Florida Government Council on Indian Affairs, 105½ E. College Avenue, Tallahassee, Fla. 32301 .....	380,063	0	0	0	0	380,063
Mr. Buffalo Tiger, Chairman, Miccosukee Corp., CETA Department, Star Route 49, Ochopee, Fla. 33943 .....	105,554	15,311	15,813	1,135	5,859	143,672
Mr. James E. Billie, Chairman, Seminole Tribe of Florida, CETA Department, 6073 Sterling Road, Hollywood, Fla. 33024 .....	118,107	84,516	87,288	6,263	32,343	328,517
Mr. Bill Hammack, Executive Director, Georgia Department of Community Affairs, Georgia State Commission of Indian Affairs, 210 William Oliver Building, 32 Peachtree Street, Atlanta, Ga. 30303 .....	145,298	0	0	0	0	145,298
Mr. Myron Thompson, Chairman, Aka Like, Inc., 2828 PAA Street, Suite 3035, Honolulu, Hawaii 96819 .....	3,425,227	0	0	27,524	142,147	3,594,896
Mr. Gordon Oldshield, Executive Director, Hawaii Council of American Indian Nations, American Indian Service Center, 677 Ala Moana Boulevard, Suite 718, Honolulu, Hawaii 96817 .....	61,893	0	0	0	0	61,893
Mr. Lonnie Rachehorse, Executive Director, Idaho Inter-Tribal Policy Board, 910 Main Stret, Suite 214, Boise, Idaho 83702 .....	193,917	9,493	9,804	703	3,633	217,550
Mr. Wilfred A. Scott, Chairman, Nez Perce Tribe, P.O. Box 305, Lapwai, Idaho 83540 .....	132,135	64,306	66,415	4,765	24,609	292,230
Mr. Gilbert Teton, Tribal Chairman, Shoshone- Bannock Tribes, Fort Hall Indian Reservation, P.O. Box 306, Fort Hall, Idaho 83203 .....	179,559	171,482	177,107	12,707	65,624	606,479
Mr. Edward A. Miller, American Indian Bus Association Training and Employment Program, 1124 West Granville Street, Chicago, Ill. 60660 .....	623,448	0	0	0	0	623,448

Note.—Funds for Indiana will be given to the American Indian Business Association (listed above) to operate programs in Indiana.

Indiana .....	223,398	0	0	0	0	223,398
Mr. Randy Greenfeather, Executive Director, Mid America All Indian Center, 650 N. Seneca, Wichita, Kans. 67203 .....	230,679	0	0	0	0	230,679
Ms. Vestina Durham, Chairperson, Prairie Band Potawatomi Tribe, 111 E. 5th Street, P.O. Box 8, Holton, Kans. 66436 .....	1,356	46,239	47,756	3,426	17,695	116,472
Mr. Howard Simmons, Chairman, United Tribes of Kansas and Southeast Nebraska, P.O. Box 147, Horton, Kans. 66439 .....	477,505	3,981	4,111	295	1,523	487,415
Mr. Ernest Sickey, Chairman, Inter-Tribal Council of Louisiana, Inc., 263 Riverside Mall, Suite 208, Baton Rouge, La. 70801 .....	415,000	5,818	6,009	431	2,227	429,485
Mr. Wilfred Pehrson, Tribal Governor, Penobscot Nation Community Building, Indian Island, Maine 04468 .....	49,584	37,052	38,268	2,746	14,180	141,830
Ms. Mary F. Isaacs, President, Tribal Governors, Inc., 93 Main Street, Orono, Maine 04473 .....	115,694	79,617	82,228	5,900	30,468	313,907
Ms. Marion Pines, Director, Mayors Office of Manpower Resources, City of Baltimore, 701 St. Paul Street, Baltimore, Md. 21202 .....	292,369	0	0	0	0	292,369
Mr. Cliff Saunders, Executive Director, Boston Indian Council, Inc., 105 S. Huntington Avenue, Jamaica Plains, Mass. 02130 .....	312,237	0	0	0	0	312,237
Mr. Russell Peters, Mashpee-Wampahoag Indian Tribal Council, RFD No. 2, Box 1048, Mashpee, Mass. 02649 .....	73,819	0	0	0	0	73,819
Mr. George Martin, President, Grand Rapids Inter-Tribal Council, 756 Bridge, NW., Grand Rapids, Mich. 49504 .....	143,739	0	0	0	0	143,739
Mr. Fredrick Dakota, Chairman, Inter-Tribal Council of Michigan, Inc., 405 East Easterday Avenue, Sault Ste. Marie, Mich. 49783 .....	135,865	169,951	175,525	12,593	65,039	558,973

U.S. Department of Labor—Employment and Training Administration Office of National Programs,  
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[Fiscal year 1980 native American allocations]

	Title III	Title II'D	Title VI	YCCIP	YETP	Total
Mr. Rick Andrews, Chairperson, Michigan Indian Manpower Consortium, 820 W. Saginaw, Lansing, Mich. 48915.....	654,548	0	0	0	0	654,548
Mr. Vince Adams, Chairman, North American Indian Association of Detroit, 360 John R, Detroit, Mich. 48226.....	420,792	0	0	0	0	420,792
Mr. Joseph K. Lumsden, President, Sault Ste. Marie Tribe of Chippewa Indians, 206 Greenough St., Sault Ste. Marie, Mich. 49783	110,258	49,607	51,234	3,676	18,984	233,759
Mr. Michael Lind, Acting Chairman, American Indian Fellowship Assn., 2 E. Second St., Duluth, Minn. 55802.....	82,973	24,191	24,985	1,793	9,258	143,200
Mr. Gary Donald, Chairman, Bois Forte R. B. C., P.O. Box 698, Nett Lake, Minn. 55772.....	70,841	87,578	90,451	6,490	33,515	288,875
Mr. William J. Houle, Chairman, Fond Du Lac R.B.C., 105 University Rd., Cloquet, Minn. 55720.....	116,454	38,890	40,165	2,882	14,883	213,274
Mr. Hartley White, Chairman, Leech Lake R.B.C., Box 308, Cass Lake, Minn. 56633.....	349,430	223,233	230,555	16,541	65,429	905,188
Mr. Arthur W. Gahbow, Chairman, Mille Lacs R.B.C., Star Route, Onamia, Minn. 56359.....	67,004	56,957	58,825	4,220	21,797	208,803
Ms. Elaine Stately, Chairman, Minneapolis Regional Native American Ctr., 1530 East Franklin Avenue, Minneapolis, Minn. 55404....	864,281	34,603	35,738	2,564	13,242	950,428
No grantee has been designated at this time for the Red Lake area						
Red Lake, Minn. ....	256,040	250,180	258,386	18,538	95,741	878,885
Mr. Darrell Wadena, Chairman, White Earth R.B.C., Box 274 C/O White Earth C.A.P., White Earth, Minn. 56591.....	250,208	434,830	449,092	32,221	166,405	1,332,756
Mr. Philip Martin, Chairman, Mississippi Band of Choctaw Indians, Route 7, Box 21, Philadelphia, Miss. 39350.....	676,133	157,703	162,875	11,686	60,351	1,068,748
Mr. George Barta, Chairman, Region VII American Indian Council, Inc., 310 Armour Rd., Suite 212, Kansas City, Mo. 64116.....	414,085	0	0	0	0	414,085
Mr. Norman Hollow, Chairman, Assiniboine & Sioux Tribes, Fort Peck Indian Reservation, P.O. Box 1027, Poplar, Mont. 59255.....	431,658	208,841	215,691	15,475	79,921	951,586
Mr. Daniel Boggs, Chairman, Blackfeet Tribal Business Council, Blackfeet Indian Reservation, Browning, Mont. 59417.....	655,793	759,422	784,329	56,273	290,623	2,546,440
Mr. John Windy Boy, Chairman, Chippewa Cree Tribe, Rocky Boys Reservation, Rocky Boy Route, Box Elder, Mont. 59521.....	171,803	139,636	44,215	10,347	53,437	519,438
Mr. Thomas Swaney, Chairman, Confederated Salish & Kootenai Tribes, P.O. Box 278, Pablo, Mont. 59855.....	338,190	206,085	212,844	15,271	78,867	851,257
Mr. Forest Horn, Tribal Chairman, Crow Indian Tribe, P.O. Box 580, Crow Agency, Mont. 59022.....	242,817	321,836	332,391	23,848	123,163	1,044,055
Mr. Charles D. Plummage, President, Ft. Belknap Agency, Box 249, Harlem, Mont. 59526.....	179,170	119,119	123,026	8,827	45,586	475,728
Mr. Eddie Barbeau, Executive Director, Montana United Indian Association, 1622 Custer Ave., East, Helena, Mont. 59601.....	694,727	0	0	0	0	694,727
Mr. Allen Rowland, Chairman, Northern Cheyenne Tribe, P.O. Box 128, Lame Deer, Mont. 59043.....	252,191	141,779	146,429	10,506	54,257	605,162
Mr. Art May, Director, Nebraska Indian Inter-Tribal Development Corp., P.O. Box 682, Winnebago, Nebr. 68071.....	185,568	140,860	145,480	10,438	53,906	536,252
Mr. Edward Cline, Tribal, Chairman, Omaha Tribe of Nebraska, P.O. Box 13, Macy, Nebr. 68760.....	86,601	98,602	101,836	7,306	37,734	332,079
Mr. Roger Trudell, Tribal Chairman, Santee Sioux Tribe of Nebraska, Route 2 Santee, Nebraska, Nebr. 68760.....	67,413	33,890	35,105	2,519	13,008	152,035
Ms. Jan Searcey, Executive Director, United Indians of Nebraska, 1270 So. 119th Ct. Omaha, Nebr. 68144.....	262,897	0	0	0	0	262,897
Mr. Les Blossom, Chairman, Inter-Tribal Council of Nevada, 650 South Rock Blvd., Reno, Nev. 89502.....	613,557	342,046	353,264	25,345	130,897	1,465,109



U.S. Department of Labor—Employment and Training Administration Office of National Programs,  
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[Fiscal year 1980 native American allocations]

	Title III	Title II D	Title VI	YCCP	YETP	Total
Mr. Emmett Knight, Chairman, Las Vegas Indian Center, 215 East Bonanza Rd., Las Vegas, Nev. 89158	61,198	0	0	0	0	61,198
Mr. John Horn, Acting Commissioner, New Jersey Department of Labor and Industry, John Fitch Plaza, Trenton, N.J. 08620	329,596	0	0	0	0	329,596
Mr. Delfin J. Lovato, Chairman, All Indian Pueblo Council, P.O. Box 6507, 1015 Indian School Rd., NW., Albuquerque, N. Mex. 87197	868,907	782,388	808,049	57,975	239,412	2,816,731
Mr. Wendell Chino, President, Mescalero Apache Tribe, P.O. Box 176, Mescalero, N. Mex. 88340	174,897	161,071	166,354	11,935	61,640	575,837
Mr. Gerald Wilkinson, Executive Director, National Indian Youth Council, 201 Hermosa, NE., Albuquerque, N. Mex. 87107	824,645	0	0	0	0	824,645
Mr. Raymond J. Concho, Jr., Governor, Pueblo of Acoma, P.O. Box 309, Pueblo of Acoma, N. Mex. 87034	189,188	121,569	125,556	9,008	46,523	431,844
Floyd R. Correa, Chairman, Pueblo of Laguna, P.O. Box 194, Laguna, N. Mex. 87026	244,088	115,138	118,914	8,532	44,062	530,734
Mr. Pete Concha, Governor, Pueblo of Taos, P.O. Box 1846, Taos, N. Mex. 87571	79,481	85,129	87,921	6,308	32,578	291,417
Mr. Robert E. Lewis, Governor, Pueblo of Zuni, Zuni Tribal Council, P.O. Box 339, Zuni, N. Mex. 87327	443,854	316,630	327,015	23,462	121,171	1,232,132
Mr. Norman Ration, Executive Director, Ramah Navajo School Board, Inc., P.O. Box 248, Ramah, N. Mex. 87321	118,581	142,698	147,378	10,574	54,603	473,840
Mr. Valentino Garcia, Governor, Santo Domingo Tribe, Santo Domingo, N. Mex. 87052	174,456	68,497	91,400	6,558	33,867	334,778
Mr. Michael Bush, Executive Director, American Indian Community House, Inc., 10 E. 38th St., New York City, N.Y. 10016	859,271	24,191	24,965	1,783	9,258	919,438
Miss Iza Brant, Chairperson, Native American Manpower, Inc., 250 Summer St., Buffalo, N.Y. 14222	364,705	0	0	0	0	364,705
Ms. Ginny Doctor, Executive Director, The North Am. Ind. Club of Syracuse and Vicinity, Inc., P.O. Box 851, Syracuse, N.Y. 13201	82,499	22,966	23,720	1,702	8,789	139,676
Mr. Leonard Garrow, Principal Chief, St. Regis Mohawk Tribe, Hogansburg, N.Y. 13655	193,079	115,138	118,914	8,532	44,062	479,725
Mr. Calvin Lay, President, Seneca Nation of Indians, Manpower Office, Box No. 344, Salamanca, N.Y. 14779	859,052	597,738	617,343	44,232	228,748	2,347,173
Mr. Eddie Maynor, Chairman, Cumberland County Association for Indian People, Route 2, Box 2-B, Downing Rd., Fayetteville, N.C. 28301	180,517	0	0	0	0	180,517
Mr. John Crow, Principal Chief, Eastern Band of Cherokee Indians, Cherokee Ceta, P.O. Box 481, Cherokee, N.C. 28719	523,929	308,056	318,159	22,827	117,830	1,290,861
Mr. Kenneth Maynor, Executive Director, Lumbee Regional Development Association, P.O. Box 68, Pembroke, N.C. 28372	2,976,745	0	0	0	0	2,976,745
Mr. A. Bruce Jones, Executive Director, North Carolina Commission of Indian Affairs, P.O. Box 27228, Raleigh, N.C. 27611	803,030	0	0	0	0	803,030
Mr. Carl McKay, Chairman, Devils Lake Sioux Tribe, Manpower Programs, Box 276, Fort Totten, N. Dak. 58335	252,455	188,324	194,501	13,955	72,070	721,305
Mr. Pat McLaughlin, Chairman, Standing Rock Sioux Tribe, Fort Yates, N. Dak. 58538	431,395	339,290	350,418	25,141	129,843	1,276,087
Mr. Austin Gillette, Tribal Chairman, Three Affiliated Tribes, Box 497, New Town, N. Dak. 58763	174,253	153,722	158,763	11,331	58,828	556,957
Mr. Wayne Keplin, Tribal Chairman, Turtle Mountain Band of Chippewa Indians, Box 758, Belcourt, N. Dak. 58335	635,476	247,425	255,540	18,334	94,687	1,251,462
Mr. David Gipp, Executive Director, United Tribes—Educational Technical Center, 3315 S. Airport Road, Bismarck, N. Dak. 58501	193,248	0	0	0	0	193,248
Mr. Philip S. Hamilton, Deputy Director, Governors Grant Office, 30 E. Broad Street, 29th Floor, Columbus, OH 43215	445,287	0	0	0	0	445,287
Mr. Doyle R. Edge, Chairman, Caddo Tribe, P.O. Box 487, Binger, Okla. 73009	137,780	39,806	41,114	2,950	15,234	236,886

U.S. Department of Labor—Employment and Training Administration Office of National Programs,  
Division of Indian and Native American Programs—Continued

[Fiscal year 1980 native American allocations]

	Title III	Title II D	Title VI	YCCIP	YETP	Total
Mr. Lawrence Murray, Chairman, Central Tribes of the Shawnee Area, Inc., P.O. Box 2427, Shawnee, Okla. 74802.....	156,012	111,157	114,803	8,237	42,539	432,748
Mr. Ross O. Swimmer, Principal Chief, Cherokee Nation of Oklahoma, P.O. Box 948, Tahlequah, Okla. 74464.....	2,696,382	343,271	354,529	25,436	131,366	3,550,984
Mr. Joe Pedro, Chairman, Cheyenne-Arapaho Tribes, P.O. Box 38, Concho, Okla. 73022.....	403,389	744,111	768,516	55,138	284,763	2,255,917
Mr. Overton James, Governor, Chickasaw Nation of Oklahoma, P.O. Box 1548, Ada, Okla. 74820.....	638,839	153,109	158,131	11,345	58,593	1,020,017
Mr. Hollis Roberts, Principal Chief, Choctaw Nation of Oklahoma, Drawer 1201, Durant, Okla. 74701.....	1,088,448	248,649	256,805	18,425	95,155	1,707,482
Mr. Paul E. Schmidtkofer, Tribal Chairman, Citizen Band Potawatomi Indians of Oklahoma, Rt. 5, Box 151, Shawnee, Okla. 74801.....	233,399	166,583	172,046	12,344	63,749	648,121
Mr. James Cox, Tribal Chairman, Comanche Tribe of Oklahoma, Comanche Tribal Office, Fort Sill Indian School Building, Room 382, Lawton, Okla. 73502.....	379,487	130,143	134,411	9,644	49,804	703,489
Mr. Claude Cox, Principal Chief, Creek Nation of Oklahoma, P.O. Box 1114, Okmulgee, Okla. 74447.....	1,252,665	708,283	731,514	52,483	271,052	3,015,997
Mr. Leo Cusher, Executive Director, Inter-Tribal Council of Northeast Oklahoma, P.O. Box 1308, Miami, Okla. 74354.....	167,400	26,947	27,831	1,997	10,312	234,487
Mr. Jacob Ashtone, Tribal Chairman, Kiowa Tribe of Oklahoma, P.O. Box 1028, Anadarko, Okla. 73005.....	423,765	182,200	188,176	13,501	69,726	877,368
Mr. Victor E. Childers, Chairman, Oklahoma Tribal Assistance Program, Inc., P.O. Box 2481, Tulsa, Okla. 74101.....	696,088	0	0	0	0	696,088
Mr. Sylvester J. Tinker, Principal Chief, Osage Tribal Council, P.O. Box 178, Pawhuska, Okla. 74056.....	246,834	259,061	267,557	19,196	99,140	891,788
Mr. Dwayne Pratt, Director, Pawnee Indian Tribal Business Community, Pawnee Tribal Business Building, Pawnee, Okla. 74058.....	27,599	29,703	30,677	2,201	11,367	101,547
Mr. Leonard Biggoose, Chairman, Ponca Tribe of Indians, P.O. Box 11, White Eagle, Ponca City, Okla. 74601.....	293,436	149,435	154,336	11,073	57,187	665,467
Mr. Richard Tiger, Principal Chief, Seminole Nation of Oklahoma, P.O. Box 745, Wewoka, Okla. 74884.....	276,611	65,531	67,680	4,856	25,078	439,756
Mr. Henry L. Allen, President, Tonkawa Tribe of Oklahoma, P.O. Box 86, Tonkawa, Okla. 76453.....	32,743	17,761	18,343	1,316	6,797	76,960
Mrs. Corinne Halfmoon, Chairman, United Urban Indian Club, Inc., 1212 N. Hudson, Oklahoma City, Okla. 73102.....	784,502	0	0	0	0	784,502
Mr. Ken Smith, General Manager, Confederated Tribes of Warm Springs, Warm Springs, Oreg. 97761.....	734,062	117,282	121,128	8,691	44,882	1,026,045
Mr. Richard Thieroff, Executive Director, Organization of Forgotten Americans, 3949 So. 6th Street, P.O. Box 1257, Klamath Falls, Oreg. 97601.....	156,852	0	0	0	0	156,852
Ms. Ruth Lyon, Chairwoman, Urban Indian Council, 2326 N.W. Westover Road, Portland, Oreg. 97210.....	415,350	0	0	0	0	415,350
Mr. Anthony Mendonca, Chairman, Council of Three Rivers, 200 Charles Street, Dorseyville, Pa. 15238.....	245,080	0	0	0	0	245,080
Mr. Linquest Clark, President, United American Indians of the Delaware Valley, 225 Chestnut Street, Philadelphia, Pa. 19106.....	203,479	0	0	0	0	203,479
Mr. Garrison L. Parker, Executive Director, Rhode Island Indian Council, 56 Washington Street, Room 300, Providence, R.I. 02903.....	137,949	0	0	0	0	137,949
The Hon. Richard W. Riley, Governor, Office of the Governor, CETA Division, 1800 St. Julian Place, Columbia, S.C. 29204.....	186,975	0	0	0	0	186,975
Mr. Melvin Garreaux, Tribal Chairman, Cheyenne River Sioux Tribe, Box 590, Eagle Butte, S. Dak. 57625.....	408,094	282,946	292,226	20,966	108,280	1,112,512

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[Fiscal year 1980 native American allocations]

	Title III	Title II D	Title VI	YCCIP	YETP	Total
Mr. Robert Filbrick, Chairman, Crow Creek Sioux Tribe, P.O. Box 658, Fort Thompson, S. Dak. 57339	152,478	110,545	114,171	8,191	42,304	427,689
Mr. Michael B. Jandreau, Tribal Chairman, Lower Brule Sioux Tribe, Lower Brule, S. Dak. 57548	63,342	59,713	61,671	4,425	22,851	212,002
Mr. Elijah Whirlwind Horse, Tribal Chairman, Oglala Sioux Tribe, Box 468, Pine Ridge, S. Dak. 57770	952,662	1,124,434	1,161,313	83,320	430,339	3,752,038
Mr. Ed Drivinhawk, Chairman, Rosebud Sioux Tribe, Box 38, Rosebud, S. Dak. 57570	721,161	723,900	747,643	53,641	277,029	2,523,374
Mr. Gerald Flute, Tribal Chairman, Sisseton-Wahpeton Sioux Tribe, RR #2, Box 144, Sisseton, S. Dak. 57262	222,440	146,985	151,806	10,892	56,220	588,373
Mr. Clarence Skye, Executive Director, United Sioux Tribes of South Dakota Development Corp., P.O. Box 1193, Pierre, S. Dak. 57501	680,052	0	0	0	0	680,052
Mr. Larry Courmoyer, Chairman, Yankton Sioux Tribe, Route 3, Wagner, S. Dak. 57380	129,991	215,884	222,965	15,037	82,610	667,453
Mr. Fritz R. Niggeler, Executive Director, Tennessee Indian Council, Inc., 1104 18th Ave. So., Nashville, Tenn. 37203	117,225	0	0	0	0	117,225
Mr. Rex J. Evans, Executive Director, USET, Inc., 1101 Kermit Drive, Suite 800, Nashville, Tenn. 37217	169,617	0	0	0	0	163,617
Mr. Fulton Battise, Principal Chief, Alabama-Coushatta Indian Reservation, Route 3, Box 640, Livingston, Tex. 77351	479,368	20,823	21,506	1,543	7,568	531,209
Mr. Ray Johnson, Board Chairman, Dallas Inter-Tribal Center, Carter Plaza, 334 Centre Street, Dallas, Tex. 75201	548,458	0	0	0	0	548,458
Mr. Antonio G. Silvas, Sr., Tribal Governor, Tigua Indian Tribe, 119 S. Old Pueblo Road, P.O. Box 17579, El Paso, Tex. 79917	298,598	19,598	20,241	1,452	7,500	347,383
Mrs. Ruby Black, Tribal Chairwoman, Ute Indian Tribe, P.O. Box 190, Fort Duchesne, Utah 84026	161,277	108,401	111,957	8,032	41,484	431,151
Ms. Thelma Pinnecoase, Chairperson, Utah Native American Consortium, Inc., 120 W. 1300 South, Salt Lake City, Utah 84115	313,609	1,225	1,265	91	468	316,659
Mr. Maurice B. Rowe, Chairman, Governor of Virginia Manpower Services Council, POB 1314, Richmond, Va. 23210	314,567	16,536	17,078	1,225	6,328	355,734
Mr. Clyde Herstein, President, American Indian Community Center, 1007 N. Columbus Street, Spokane, Wash. 99202	163,446	0	0	0	0	163,446
Mr. Joseph Dela Cruz, Tribal Chairman, Che-Ho-Qui-Sho, P.O. Box 1228, Taholah, Wash. 98587	161,335	152,191	157,182	11,277	58,242	540,227
Mr. Al Aubertin, Chairman, Colville Confederated Tribes, P.O. Box 150, Nespelem, Wash. 99155	299,040	476,476	492,103	35,307	182,342	1,485,268
Mr. Cliff Sijohn, Executive Director, Eastern Washington Indian Consortium, P.O. Box 223, Wellpinit, Wash. 99040	1,047,335	742,274	766,619	55,002	284,060	2,855,290
Mr. William E. Jones, Chairman, Lummi Indian Business Council, 2616 Kwina Road, Bellingham, Wash. 98225	63,690	219,252	226,443	16,247	83,906	608,538
Ms. Linda Day, Executive Director, Northwest Inter-Tribal Council, 1619 Pacific, Everett, Wash. 98201	123,396	123,712	127,770	9,167	47,343	431,368
Mr. Don Matheson, Chairman, Puyallup Tribe, 2215 East 32nd, Tacoma, Wash. 98404	201,038	321,836	332,391	23,848	123,163	1,002,276
Mr. Woodrow Deloame, Executive Director, Seattle Indian Center, 121 2nd and Stewart Streets, Seattle, Wash. 98101	617,017	0	0	0	0	617,017
Mr. Gary Johnson, Director, Western Washington Indian Employment and Training Program, 11006 Pacific Avenue, Suite 1 & 2, Ketter Professional Building, Tacoma, Wash. 98444	872,919	492,399	508,549	36,487	188,436	2,088,790
Mr. Rick St. Germaine, Chairman, Lac Courte Oreilles Band of Lake Superior Chippewa Indians, Route 2, Hayward, Wis. 54843	145,748	125,856	129,984	9,326	48,164	459,078
Mr. William Wildcat, Sr., Tribal Chairman, Lac du Flambeau Consortium, P.O. Box 24, Lac du Flambeau, Wis. 54538	105,825	74,105	76,535	5,491	28,359	290,315
Mr. Gordon Dickie, Sr., Chairman, Menominee Indian Tribe of Wisconsin, P.O. Box 397, Keshena, Wis. 54135	223,330	155,559	160,661	11,527	59,531	610,608

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[Fiscal year 1980 native American allocations]

	Title III	Title II D	Title VI	YCCIP	YETP	Total
Ms. Josephine Bigler, Chairperson, Milwaukee Area American Indian Manpower Council, 3701 Lisbon Avenue, Milwaukee, Wis. 53208.	319,043	0	0	0	0	319,043
Mr. Purcell Powless, Chairman, Oneida Tribe of Indians of Wisconsin, Inc., Route 4, Depere, Wis. 54115.	363,993	73,799	76,219	5,468	28,242	547,721
Mr. E. W. Taylor, Chairman, St. Croix Tribal Council, Star Route, Webster, Wis. 54893.	60,249	129,530	133,779	9,598	49,570	382,726
Mr. Robert E. Miller, Tribal Chairman, Stockbridge-Munsee Community, Route 1 Bowler, Wis. 54416.	79,930	50,832	52,499	3,767	19,453	206,481
Mr. Richard Gurnoe, Chairman, Wisconsin Tri Band Consortium, P.O. Box 45, Ashland, Wis. 54861.	247,335	189,549	195,766	14,046	72,538	719,234
Mr. Calvin Whiteagle, Chairman, Wisconsin Winnebago Business Committee, Rt 1 Creamery Rd., Nekeosa, Wis. 54457.	159,191	162,296	167,619	12,026	62,109	563,241
Mr. Robert Harris, Shoshone Chairman, Mr. Arthur Headley, Arapahoe Chairman, Shoshone/Arapahoe Joint Business Council, P.O. Box 217, Fort Washakie, Wyo. 82514.	511,030	224,152	231,504	16,6102	85,781	1,069,127
<b>National Total</b>	<b>78,565,500</b>	<b>35,798,162</b>	<b>36,972,271</b>	<b>2,680,160</b>	<b>13,841,720</b>	<b>167,857,813</b>

**U.S. Department of Labor—Employment and Training Administration, Office of Administration and Management, Native American Data Base**

	1970 census unem- ployed	1970 census low income	1970 BIA unem- ployed
Creek Nation East of Mississippi Incorporated, Atmore, Ala. 36502.	66	242	0
Alaska Federation of Natives, Inc., Anchorage, Alaska 99501.	82	212	1,025
Aleutian/Pribilof Islands Association, Anchorage, Alaska 99501.	114	121	515
Bristol Bay Native Association, Dillingham, Alaska 99576.	88	320	981
Cook Inlet Native Association, Anchorage, Alaska 99503.	268	295	2,561
Copper River Native Association, Copper Center, Alaska 99573.	42	39	134
Dena Aka Corporation, Fairbanks, Alaska 99701.	322	550	2,495
Kawerak Incorporated, Nome, Alaska 99762.	197	437	1,287
Kodiak Area Native Association, Kodiak, Alaska 99615.	89	99	451
Mauneluk Association, Kotzebue, Alaska 99752.	73	330	989
Mettlakatla Indian Community, Metlakatla, Alaska 99926.	99	168	265
North Pacific Rim, Anchorage, Alaska 99503.	76	73	355
Sitka Community Association, P.O. Box 4360, Mt. Edgecombe, Alaska 99835.	46	53	390
Tlingit and Haida Council, Juneau, Alaska 99801.	279	495	2,824
Yupiklak Bista, Inc., Bethel, Alaska 99559.	284	1,452	4,058
American Indian Association of Tucson, Inc., Tucson, Ariz. 85701.	71	488	0
Affiliation of Arizona Indian Centers, Inc., Phoenix, Ariz. 85004.	194	1,043	0
Colorado River Indian Tribes, Parker, Ariz. 85344.	20	135	320
Gila River Indian Community, Sacaton, Ariz. 85247.	198	909	837
Hopi Tribal Council, Oraibi, Ariz. 86039.	100	643	1,172
Indian Development District of			

**U.S. Department of Labor—Employment and Training Administration, Office of Administration and Management, Native American Data Base—Continued**

	1970 census unem- ployed	1970 census low income	1970 BIA unem- ployed
Arizona, Inc., Phoenix, Ariz. 85015.	48	256	694
Native Americans for Community Action, P.O. Box 572, Flagstaff, Ariz. 86002.	68	650	0
Navajo Nation 86515.	1,690	10,300	28,538
The Papago Tribe of Arizona, Sells, Ariz. 85634.	125	815	2,009
Phoenix Indian Center, Inc., Phoenix, Ariz. 85014.	105	651	0
Salt River Pima-Maricopa Indian Community, Scottsdale, Ariz. 85256.	36	222	204
San Carlos Apache Tribe, San Carlos, Ariz. 85550.	108	608	798
White Mountain Apache Tribe, White River, Ariz. 85941.	122	816	900
American Indian Center of Arkansas, Inc., Little Rock, Ark. 72205.	38	207	0
San Diego, Calif. 92101.	138	435	0
California Indian Manpower Consortium, Sacramento, Calif. 95841.	855	2,452	1,846
Candalaria American Indian Council, Oxnard, Calif. 93030.	85	366	0
Cst. of United Indian Nations, San Francisco, Calif. 94103.	441	944	0
Fresno American Indian Council, Fresno, Calif. 93710.	215	322	0
Hoopa Valley Business Council, Hoopa, Calif. 95548.	75	94	407
Indian Centers, Inc., Los Angeles, Calif. 90015.	754	2,077	0
Indian Center of San Jose, Inc., San Jose, Calif. 95127.	161	312	0
Orange County Indian Center, Inc., Garden Grove, Calif. 92640.	129	279	0
Sacramento Indian Center, Inc., Sacramento, Calif. 95818.	76	274	0
San Bernadino Indian Center, San Bernadino, Calif. 92401.	79	278	0

**U.S. Department of Labor—Employment and Training Administration, Office of Administration and Management, Native American Data Base—Continued**

	1970 census unem- ployed	1970 census low income	1970 BIA unem- ployed
Tri-County Indian Development Council, Inc., Eureka, Calif. 95501.	252	312	121
Ya-Ka-Ama Indian Education and Development, Inc., Healdsburg, Calif. 95448.	119	170	0
Colorado Dept. of Labor and Employment, Denver, Colo. 80203.	31	56	279
Denver Native American United, Denver, Colo. 80206.	170	596	0
Ute Mountain Indian Tribe, Towaoc, Colo. 81334.	13	135	343
American Indians for Development, Inc., P.O. Box 117, Meriden, Conn. 06450.	60	211	0
Department of Labor, State of Delaware, 701 Shipley Street, Wilmington, Del. 19801.	5	57	0
Florida Government Council on Indian Affairs, Tallahassee, Fla. 32301.	142	445	0
Wiccosukee Corporation, Star Route 49, Ochopee, Fla. 33943.	50	111	50
Seminole Tribe of Florida, 6073 Sterling Road, Hollywood, Fla. 33024.	15	173	276
Georgia Department of Community Affairs, 210 William Oliver Bldg., 32 Peachtree Street, Atlanta, Ga. 30303.	46	180	0
Alu Like, Inc., Honolulu, Hawaii 96819.	1,213	4,090	1,213
American Indian Service Center, Honolulu, Hawaii 96817.	21	75	0
Idaho Inter-Tribal Policy Board, Boise, Idaho 83702.	49	255	31
Nez Perce Tribe, Lapwai, Idaho 83540.	55	148	210
Shoshone-Bannock Tribes, P.O. Box 306, Fort Hall, Idaho 83203.	74	202	560
American Indian Bus. Assn. Training and Employment Program, Chicago, Ill. 60660.	222	743	0
Indiana 68	280	0	
Mid America All Indian Center, Wichita, Kans. 67203.	71	287	0
Prairie Band Potawatomi Tribe, P.O. Box 8, Holton, Kans. 66438.	1	1	151
United Tribes of Kansas and Southeast Nebraska, Horton, Kans. 66439.	181	556	13
Inter-Tribal Council of Louisiana, Inc., Suite 208, Baton Rouge, La. 70801.	61	598	19
Penobscot Nation, Indian Island, Maine 04468.	11	63	121
Tribal Governors, Inc., Orono, Maine 04473.	2	171	260
City of Baltimore, Baltimore, Md. 21202.	133	314	0
Boston Indian Council, Inc., Jamaica Plains, Mass. 02130.	144	333	0
Indian Tribal Council, Mashpee, Mass. 02649.	12	105	0
Grand Rapids Inter-Tribal Council, Grand Rapids, Mich. 49504.	85	131	0
Inter-Tribal Council of Michigan, Inc., Sault St. Marie, Mich. 49783.	76	129	555
Michigan Indian Manpower Consortium, Lansing, Mich. 48915.	312	686	0

U.S. Department of Labor—Employment and Training Administration, Office of Administration and Management, Native American Data Base—Continued

	1970 census unem- ployed	1970 census low income	1970 BIA unem- ployed
North American Indian Association of Detroit, Detroit, Mich. 48226	261	369	0
Sault Ste. Marie Tribe of Chippewa Indians, Sault Ste. Marie, Mich. 49783	74	90	162
American Indian Fellowship Assn., Duluth, Minn. 55802	37	90	79
Bois Forte R. B. C., Nett Lake, Minn. 55772	20	80	286
Fond Du Lac R.B.C., Cloquet, Minn. 55720	48	131	127
Leech Lake R.B.C., Cass Lake, Minn. 56633	155	380	729
Mille Lacs R.B.C., Onamia, Minn. 56359	38	63	186
Minneapolis Regional Native American Ctr., Minneapolis, Minn. 55404	317	1,019	113
Red Lake, Minn.	98	297	817
White Earth R.B.C., White Earth, Minn. 56591	101	284	1,420
Mississippi Band of Choctaw Indians, Philadelphia, Miss. 39350	82	995	515
Region VII American Indian Council, Inc., Kansas City, Mo. 64116	95	556	0
Assiniboine & Sioux Tribes, Fort Peck Indian Reservation, Poplar, Mont. 59255	217	439	682
Blackfeet Tribal Business Council, Browning, Mont. 59417	286	719	2,480
Chippewa Cree Tribe, Rocky Boys Reservation, Box Edler, Mont. 59521	66	199	456
Confederated Salish & Kootenai Tribes, Pablo, Mont. 59855	102	425	673
Crow Indian Tribe, Crow Agency, Mont. 59022	70	309	1,051
Fl. Belknap Agency, Harlem, Mont. 59526	102	168	389
Montana United Indian Association, Helena, Mont. 59601	515	509	0
Northern Cheyenne Tribe, Lama Deer, Mont. 59043	76	317	463
Nebraska Indian Inter-Tribal Development Corp., Winnebago, Nebr. 68071	36	257	460
Omaha Tribe of Nebraska, Macy, Nebr. 68760	5	134	322
Santee Sioux Tribe of Nebraska, Niobrara, Nebr. 68760	0	34	111
United Indians of Nebraska, Omaha, Nebr. 68144	88	320	0
Inter-Tribal Council of Nevada, Reno, Nev. 89502	269	671	1,117
Las Vegas Indian Center, Las Vegas, Nev. 89158	36	56	0
New Jersey Department of Labor and Industry, Trenton, N.J. 98620	113	398	0
All Indian Pueblo Council, 1015 Indian School Road, NW, Albuquerque, N. Mex. 87197	210	1,154	2,555
Mescalero Apache Tribe, Mescalero, N. Mex. 88340	66	204	526
National Indian Youth Council, Albuquerque, N. Mex. 87107	202	1,092	0
Pueblo of Acoma, Acoma, N. Mex. 87034	30	270	397
Pueblo of Laguna, Laguna, N. Mex. 87026	39	348	376
Pueblo of Taos, Taos, N. Mex. 87571	18	107	278
Pueblo of Zuni, P.O. Box 339, Zuni, N. Mex. 87327	106	591	1,034
Ramah Navajo School Board, Inc., Ramah, N. Mex. 87321	19	169	466

U.S. Department of Labor—Employment and Training Administration, Office of Administration and Management, Native American Data Base—Continued

	1970 census unem- ployed	1970 census low income	1970 BIA unem- ployed
Santo Domingo Tribe 87052	31	245	289
Amerian Indian Community House, Inc., New York City, N.Y. 10016	280	1,055	79
Native American Manpower, Inc., Buffalo, N.Y. 14222	169	338	0
The North Am. Ind. Club of Syracuse and Vicinity, Inc., Syracuse, N.Y. 13201	33	94	75
St. Regis Mohawk Tribe 13655	68	231	376
Seneca Nation of Indians, Box #344, Salamanca, N.Y. 14779	372	945	1,952
Cumberland County Association for Indian People, Downing Road, Fayetteville, N.C. 28301	56	225	0
Eastern Band of Cherokee Indians, P.O. Box 481, Cherokee, N.C. 28719	202	606	1,006
Lumbee Regional Development Association, Pembroke, N.C. 28372	458	4,265	0
North Carolina Commission of Indian Affairs, Raleigh, N.C. 27611	145	1,125	0
Devils Lake Sioux Tribe, Fort Totten, N. Dak. 58335	146	234	615
Standing Rock Sioux Tribe 58538	220	435	1,108
Three Affiliated Tribes, New Town, N. Dak. 58763	71	197	502
Turtle Mountain Band of Chippewa Indians, Belcourt, N. Dak. 58335	266	710	808
United Tribes—Educational Technical Center, Bismarck, N. Dak. 58501	59	242	0
Governor of Ohio Grant Office, 29th Floor, Columbus, Ohio 43215	165	523	0
Caddo Tribe, Binger, Okla. 73009	40	175	130
Central Tribes of the Shawnee Area, Inc., Shawnee, Okla. 74802	32	214	363
Cherokee Nation of Oklahoma, Tahlequah, Okla. 74464	593	3,651	1,121
Cheyenne-Arapaho Tribes, Concho, Okla. 73022	130	497	2,430
Chickasaw Nation of Oklahoma, Ada, Okla. 74820	164	837	500
Choctaw Nation of Oklahoma, Durant, Okla. 74701	209	1,510	812
Citizen Band Potawatomi Indians of Oklahoma, Shawnee, Okla. 74801	48	320	544
Comanche Tribe of Oklahoma, Fort Sill Indian School Building, Room 382, Lawton, Okla. 73502	158	425	425
Creek Nation of Oklahoma, Okmulgee, Okla. 74447	258	1,717	2,313
Inter-Tribal Council of Northeast Oklahoma, Miami, Okla. 74354	37	202	88
Kiowa Tribe of Oklahoma, Anadarko, Okla. 73005	114	549	585
Oklahoma Tribal Assistance Program, Inc., Tulsa, Okla. 74101	198	889	0
Osage Tribal Council, Pawhuska, Okla. 74056	83	300	846
Pawnee Indian Tribal Business Community, Pawnee, Okla. 74058	24	16	97
Ponca Tribe of Indians, White Eagle, Ponca City, Okla. 74601	69	392	488
Seminole Nation of Oklahoma, Wewoka, Okla. 74884	68	366	214

U.S. Department of Labor—Employment and Training Administration, Office of Administration and Management, Native American Data Base—Continued

	1970 census unem- ployed	1970 census low income	1970 BIA unem- ployed
Tonkawa Tribe of Oklahoma, Tonkawa, Okla. 76453	10	41	58
United Urban Indian Club, Inc., Oklahoma City, Okla. 73102	187	1,045	0
Confederated Tribes of Warm Springs 97761	239	830	383
Organization of Forgotten Americans, P.O. Box 1257, Klamath Falls, Oreg. 97601	86	151	0
Urban Indian Council, Portland, Oreg. 97210	236	390	0
Council of Three Rivers, Dorseyville, Pa. 15238	63	321	0
United American Indians of the Delaware Valley, Philadelphia, Pa. 19106	67	249	0
Rhode Island Indian Council, Room 300, Providence, R.I. 02903	31	186	0
Office of the Governor, CETA Division, Columbia, S.C. 29204	27	270	0
Cheyenne River Sioux Tribe, Eagle Butte, S. Dak. 57625	154	476	924
Crow Creek Sioux Tribe, Fort Thompson, S. Dak. 57339	70	163	361
Lower Brule Sioux Tribe 57548	28	69	195
Oglala Sioux Tribe, Pine Ridge, S. Dak. 57770	337	1,138	3,672
Rosebud Sioux Tribe, Rosebud, S. Dak. 57570	305	802	2,364
Sisseton-Wampeton Sioux Tribe, Sisseton, S. Dak. 57262	86	257	480
United Sioux Tribes of South Dakota Development Corporation, Pierre, S. Dak. 57501	261	788	0
Yankton Sioux Tribe, Wagner, S. Dak. 57380	63	135	705
Tennessee Indian Council, Inc., Nashville, Tenn. 37203	18	168	0
USET Incorporated, Suite 800, Nashville, Tenn. 37217	58	205	0
Alabama-Coushatta Indian Reservation, Livingston, Tex. 77351	82	677	68
Dallas Inter-Tribal Center, 334 Centre Street, Dallas, Tex. 75201	148	710	0
Tigua Indian Tribe, P.O. Box 17579, El Paso, Tex. 79917	76	392	64
Ute Indian Tribe, Fort Duchesne, Utah 84026	92	151	354
Utah Native American Consortium, Inc., Salt Lake City, Utah 84115	93	396	4
Governor of Virginia, POB 1314, Richmond, Va. 23210	75	419	54
American Indian Community Center, Spokane, Wash. 99202	79	170	0
Che-Ho-Qui-Sho, Taholah, Wash. 96587	56	194	497
Colville Confederated Tribes, Nespelem, Wash. 99155	184	264	1,556
Eastern Washington Indian Consortium, Wellpoint, Wash. 99040	556	1,030	2,424
Lummi Indian Business Council, Bellingham, Wash. 98225	57	35	716
Northwest Inter-Tribal Council, Everett, Wash. 98201	70	116	404
Puyallup Tribe, Tacoma, Wash. 98404	109	195	1,051
Seattle Indian Center, Seattle, Wash. 98101	392	530	0
Western Washington Indian Employment and Training Program, Keller Professional Building, Tacoma, Wash. 98444	395	940	1,608

**U.S. Department of Labor—Employment and Training Administration, Office of Administration and Management, Native American Data Base—**  
Continued

	1970 census unem- ployed	1970 census low income	1970 BIA unem- ployed
Lac Courte Oreilles Band of Lake Superior Chippewa Indians, Hayward, Wis. 54843 .....	55	170	411
Lac Du Flambeau Consortium, Lac Du Flambeau, Wis. 54538 .....	21	146	242
Menominee Indian Tribe of Wisconsin, Keshena, Wis. 54135 .....	57	293	508
Milwaukee Area American Indian Manpower Council, Milwaukee, Wis. 53208 .....	144	344	0
Oneida Tribe of Indians of Wisconsin, Inc., Depere, Wis. 54115 .....	163	394	241
St. Croix Tribal Council, Webster, Wis. 54893 .....	28	64	423
Stockbridge-Munsee Community, Bowler, Wis. 54416 .....	27	87	166
Wisconsin Trib Band Consortium, Ashland, Wis. 54861 .....	155	215	619
Wisconsin Winnebago Business Committee, Nekoosa, Wis. 54457 .....	64	181	530
Shoshone/Arapahoe Joint Business Council, Fort Washakie, Wyo. 82514 .....	271	503	732
National total .....	26,545	95,209	118,117

[FR Doc. 79-34917 Filed 11-15-79; 8:45 am]

BILLING CODE 4510-30-M

**Employment Transfer and Business Competition Determinations Under the Rural Development Act; Applications**

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 USC 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that

it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities; or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice. Comments received after the two-week period may not be considered. Send comments to: Administrator, Employment and Training Administration, 601 D Street, N.W., Washington, D.C., 20013.

Signed at Washington, D.C., this 7th day of November 1979.

Earl T. Klein,

Director, Office of Program Services.

Applications Received During the Week  
Ending November 10, 1979

Name of applicant and location of  
enterprise—Principal product or activity

Ben Snyder, Inc., Bowling Green Ky.—Retail  
department store.

Magnolia Health Associates, Inc., Ellisville,  
Miss.—Nursing home.

Goldmine Ski Associates, Inc., Big Bear Lake,  
San Bernardino County, Calif.—Winter ski  
and summer recreational facilities.

Kirkwood Associates, Inc., Kirkwood,  
Calif.—Ski resort.  
Gowanda Nursing Home, Gowanda, N.Y.—  
Nursing home.  
Terry Manufacturing Co., Inc., Roanoke,  
Ala.—Manufacture apparel—uniforms,  
career apparel, and related items.  
Land & Offshore Services, Inc., Gueydan,  
La.—Labor and equipment contracting.  
Warner Ethanol Corp., Milan, Ripley County,  
Ind.—Anhydrous alcohol producing plant.  
Camping World of California, Inc., Valencia,  
Calif.—Wholesale and installation of  
recreational vehicle accessories.

[FR Doc. 79-35017 Filed 11-15-79; 8:45 am]

BILLING CODE 4510-30-M

**National Displaced Homemakers Program Under the Comprehensive Employment and Training Act; Extension of Deadline for Grant Applications**

On Friday, October 26, 1979, the Department of Labor published a notice in the Federal Register (44 FR 61932) to solicit grant applications in connection with the National Displaced Homemakers Program. This notice stated that the deadline for filing grant applications was 4:30 p.m., December 10, 1979. Because the Department of Labor has experienced delays in reproducing printed materials that are needed by interested organizations to prepare the grant applications, the deadline is being extended. Accordingly, completed applications will be accepted if postmarked no later than December 21, 1979.

Signed at Washington, D.C., this 7th day of November 1979.

Ernest G. Green,

Assistant Secretary for Employment and Training.

[FR Doc. 79-35441 Filed 11-15-79; 8:45 am]

BILLING CODE 4510-30-M

**Mine Safety and Health Administration**

[Docket No. M-79-142-C]

**Maben Energy Corp.; Petition for Modification of Application of Mandatory Safety Standard**

Maben Energy Corporation, 19 Mallard Court, Beckley, West Virginia 25801, has filed a petition to modify the application of 30 CFR 75.1719 (illumination) to its Maben No. 1, Maben No. 3, Maben No. 4, and Maben No. 5 Mines, located in Wyoming County, West Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977, Pub. L. 95-164.

The substance of the petition follows:

1. The petition concerns the illumination of underground working



places in which self-propelled mining equipment is operated.

2. Mining heights in each of the petitioner's mines range from 29 to 60 inches.

3. The petitioner states that lighting on the scoops in its mines would be blinding to miners in the vicinity of the scoop, causing a diminution of safety.

4. For this reason, the petitioner requests relief from the application of the standard to its mines.

#### Request for Comments

Persons interested in this petition may furnish written comments on or before December 17, 1979. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: November 5, 1979.

Eckehard Muessig,

*Deputy Assistant Secretary for Mine Safety and Health.*

[FR Doc. 79-35442 Filed 11-15-79; 8:45 am]

BILLING CODE 4510-43-M

#### Occupational Safety and Health Administration

##### California Standards; Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called Regional Administrator OSHA), under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4), will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On May 1, 1973, notice was published in the Federal Register (38 FR 10717) of the approval of the California plan and the adoption of Subpart K to Part 1952 containing the decision.

The California plan provides for the adoption of State standards which are at least as effective as comparable Federal standards promulgated under section 6 of the Act. Accordingly, California has revised these standards in accordance with Part 1953 and promulgated them as well as State initiated changes in accordance with applicable State procedures. By letter dated August 27,

1979, from Dorothy H. Fowler, Assistant Program Manager, California Occupational Safety and Health Administration to Gabriel J. Gillotti, Regional Administrator, OSHA, and incorporated as part of the plan, the State submitted proof documents concerning standard revisions equivalent to Federal standards for Walking-Working Surfaces of 29 CFR 1910.21(a)(6), 1910.23(c)(1), 1910.23(c)(2), 1910.24(j), 1910.24(k), 1910.27(d)(1)(ii) and 1910.29(a)(4); Means of Egress of 29 CFR 1910.37(k); Powered Platforms, Manlifts, and Vehicle Mounted Work Platforms of 29 CFR 1910.66(b)(3) and 1910.67(b)(1); Hazardous Materials of 29 CFR 1910.104(b)(3) 1910.106(b)(Table H-6) and 1910.106(c); Personal Protective Equipment of 29 CFR 1910.132, 1910.133, 1910.135 and 1910.136; Fire Protection of 29 CFR 1910.157(a)(1), 1910.157(a)(2) and 1910.157(d)(2); Compressed Gas and Compressed Air Equipment of 29 CFR 1910.166(a); Handling Materials and Storage of 29 CFR 1910.178(a)(2), 1910.178(k)(1), 1910.178(l), 1910.178(m)(1)-(7), 1910.178(n)(1), 1910.178(n)(3), 1910.178(n)(4), 1910.178(n)(5), 1910.178(n)(6), 1910.178(n)(7), 1910.178(n)(12), 1910.178(n)(13), 1910.178(o), 1910.178(p)(l), (1) and 1910.178(p)(4); Machinery and Machine Guarding of 29 CFR 1910.211(b), 1910.215(a), 1910.215(b), 1910.215(d), and 1910.219(o)(3)(iii); Hand and Portable Powered Tools and Other Hand-Held Equipment of 29 CFR 1910.241(b); Welding, Cutting, and Brazing of 29 CFR 1910.252(a)(2), 1910.252(a)(4), 1910.252(d)(2), 1910.252(e)(4), and 1910.252(f)(4); Commercial Diving Standard of 29 CFR 1910.401-441; 1, 2 Dibromo-3-Chloropropane (DBCP) of 29 CFR 1910.1044; Ship Repairing of 29 CFR 1915.2(m), 1915.10, 1915.11, 1915.12, 1915.13(a), 1915.14, 1915.31(b), 1915.46(b), 1915.82(b) and 1915.82(c); Shipbuilding of 29 CFR 1916.2(m); Shipbreaking of 29 CFR 1917.2(m); and Construction Safety Orders of 29 CFR 1926.21(b) and 1926.400(a). The State initiated standard changes with no comparable Federal Standard concerned definitions of "suitable", glass and glazing, design configurations-permanent roof top installations, hot pipes and hot surfaces, warning signs, machinery and equipment, railroad ramping and deramping yards, airless spray guns, power lawn mowers, mounted wheels, storage-abrasive wheels, performance ratings, seatbelts, order pickers and stock picker, elevating employees with life trucks, operator platforms, operating rules—industrial trucks, industrial trucks, tractors, haulage vehicles and

earthmoving equipment, open tanks, vats and other containers containing corrosive liquids, and 4, 4'-Methylenedibis (2-chloroaniline) MBOCA. These standards, which are contained in Title 8, Chapter 4 of the California Administrative Code, were promulgated (date filed with the Secretary of State) between the dates of July 25, 1978 and May 25, 1979.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards, it has been determined that the State standards are at least as effective as the comparable Federal standards. The detailed standards comparison is available at the locations specified below.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator—OSHA, 450 Golden Gate Avenue, Room 11349, San Francisco, California, 94102; California Occupational Safety and Health Administration, Room 3052, 455 Golden Gate Avenue, San Francisco, California, 94102; and Office of the Directorate of Federal Compliance and State Programs, Room N3619, 200 Constitution Avenue, N.W., Washington, D.C., 20210.

4. *Public Participation.* Under § 1953.2(c) of this chapter, the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the California plan as a proposed change and making the OSHA Regional Administrator's approval effective upon publication for the following reason.

The standards were adopted in accordance with the procedural requirements of State law which included public comment and further public participation would be repetitious.

This decision is effective November 16, 1979.

(Sec. 18, Pub. L. 91-956, 84 Stat. 1608 (29 U.S.C. 667)).

Signed at San Francisco, Calif., this 19th day of September 1979.

Gabriel J. Gillotti,  
*Regional Administrator.*

[FR Doc. 79-35443 Filed 11-15-79; 8:45 am]

BILLING CODE 4510-26-M

##### Approval of North Carolina Standards

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under Section 18 of the

Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with Section 18(c) of the Act and 29 CFR Part 1902. On February 1, 1973, notice was published in the Federal Register (38 FR 3041) of the approval of the North Carolina plan and the adoption of Subpart I to Part 1952 containing the decision.

The North Carolina Plan provides for the adoption of Federal standards as State standards by reference. Section 1953.20 of 29 CFR provides that "where an alteration in the Federal program could have an adverse impact on the 'at least as effective as' status of the State program, a program change supplement to a State Plan shall be required." In response to Federal standard changes, the State has submitted by letter, dated June 25, 1979 from John C. Brooks, Commissioner, North Carolina Department of Labor, to Robert A. Wendell, Regional Administrator, and incorporated as a part of the State plan, State standards comparable to the following Federal standards: 29 CFR Part 1910 Selected General and Special (Cooperage and Laundry Machinery and Bakery Equipment) Industry Safety and Health Standards revocations, dated October 24, 1978 and November 7, 1978; § 1910.19 Special Provisions for Air Contaminants, § 1910.1000 Air Contaminants, § 1910.1025 Lead, dated November 14, 1978; § 1910.1046 Cotton Dust correction, dated December 5, 1978; § 1910.1000 Toxic and Hazardous Substances correction § 1910.1500 amended, dated December 8, 1978; § 1910.1025 Lead corrections, § 1910.1043 Cotton Dust, dated January 26, 1979; 29 CFR Parts 1910 and 1926 Enforcement Policy and Republication of Standards and corrections, dated April 6, 1979.

These Standards were promulgated by filing with the North Carolina Attorney General on November 3, 1978, November 29, 1978, December 12, 1978, December 14, 1978, April 20, 1979, and May 3, 1979, respectively, pursuant to the North Carolina Occupational Safety and Health Act of 1973 (Chapter 295, General Statutes).

2. *Decision.* Having reviewed the State submission in comparison with Federal standards, it has been

determined that the State standards are identical to the Federal standards and are hereby approved.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Commissioner of Labor, North Carolina Department of Labor, 11 West Edenton, Raleigh, North Carolina 27611; Office of the Regional Administrator, Suite 587, 1375 Peachtree Street, NE, Atlanta, Georgia 30309, and Office of the Director of Federal Compliance and State Programs, Room N3112, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds good cause exists for not publishing the supplement to the North Carolina State Plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standards are identical to the Federal standards and are therefore deemed to be at least as effective.

2. The standards were adopted in accordance with procedural requirements of State law and further participation would be unnecessary.

This decision is effective November 16, 1979.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Atlanta, Georgia, this 2nd day of August 1979.

R. A. Wendell,  
Regional Administrator.

[FR Doc. 79-35444 Filed 11-15-79; 8:45 am]  
BILLING CODE 4510-26-M

### Approval of Tennessee Standards

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under Section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with Section 18(c) of the Act and 29 CFR Part 1902. On July 5, 1973, notice was published in

the Federal Register (38 FR 17838) of the approval of the Tennessee plan and the adoption of Subpart P to Part 1952 containing the decision. The Tennessee plan provides for the adoption of Federal Standards as State standards by reference. Section 1953.20 of 29 CFR provides that "where any alteration in the Federal program could have an adverse impact on the 'at least as effective as' status of the State program, a program change supplement to a State plan shall be required." In response to Federal standard changes, the State has submitted by letter dated August 7, 1978 from James G. Neeley, Commissioner of Labor, Tennessee Department of Labor, to R. A. Wendell, Regional Administrator, and incorporated as a part of the plan, amended State standards comparable to amendments to Federal standards: 29 CFR 1910.20 Preservation of Records, dated July 19, 1978; 29 CFR 1910.1043 Cotton Dust corrections, dated August 8, 1978; 29 CFR 1928.1046 Cotton Dust in Cotton Gins, dated August 8, 1978; 29 CFR 1928.113 Cotton Dust in Cotton Gins, dated August 8, 1978; 29 CFR 1910.19 Special Provisions for Air Contaminants, dated October 3, 1978; 29 CFR 1910.1000 Toxic and Hazardous Substances, dated October 3, 1978; 29 CFR 1910.1045 Acrylonitrile, dated October 3, 1978; 29 CFR 1910 Standards Deletion, dated October 24, 1978; 29 CFR Part 1910 Standards Deletion, dated November 7, 1978; 29 CFR Part 1910.19 Special Provisions for Air Contaminants, dated November 14, 1978; 29 CFR Part 1910.1000 Toxic and Hazardous Substances, dated November 14, 1978; 29 CFR Part 1910.1025 Lead, dated November 14, 1978; 29 CFR Part 1910.1000 Toxic and Hazardous Substances, dated December 8, 1978; 29 CFR Part 1910.1500 References, dated December 8, 1978; 29 CFR Part 1910.1043 Cotton Dust, dated January 26, 1979; 29 CFR Part 1910.1025 Lead, dated January 26, 1978.

These standards were promulgated by filing with the Tennessee Secretary of State on August 15, 1978; November 15, 1978; December 15, 1978; February 15, 1979; and March 15, 1979, respectively, pursuant to the Tennessee Occupational Safety and Health Act of 1972 (Title 50, Chapter 5, Tennessee Code annotated as amended July 1, 1977).

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards, it has been determined that the updated standards are identical to Federal Standards. The standards are hereby approved.

3. *Location of supplement for inspection and copying.* A copy of the

standard supplement along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Commissioner of Labor, 501 Union Building, Nashville, Tennessee 37219; Office of the Regional Administrator, Suite 587, 1375 Peachtree Street, N.E., Atlanta, Georgia 30309; Office of the Director of Federal Compliance and State Programs, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c) the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds good cause exists for not publishing the supplement to the Tennessee State plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standards are identical to the Federal standards and are therefore deemed to be at least as effective.

2. The standards were adopted in accordance with procedural requirements of State law and further public participation would be unnecessary.

This decision is effective November 16, 1979.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 [29 U.S.C. 667])

Signed at Atlanta, Georgia, this 30th day of July 1979.

R. A. Wendell,  
Regional Administrator.

[FR Doc. 79-35445 Filed 11-15-79; 8:45 am]  
BILLING CODE 4510-26-M

### Approval of Tennessee Standards

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under Section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with Section 18(c) of the Act and 29 CFR Part 1902. On July 5, 1973, notice was published in the Federal Register (38 FR 17838) of the approval of the Tennessee plan and the adoption of Subpart P of Part 1952 containing the decision. The Tennessee plan provides for the adoption of

Federal Standards as State standards by reference. Section 1953.20 of 29 CFR provides that "where any alteration in the Federal program could have an adverse impact on the 'at least as effective as' status of the State program, a program change supplement to a State plan shall be required." In response to Federal standard changes, the State has submitted by letter dated August 7, 1978 from James G. Neeley, Commissioner of Labor, Tennessee Department of Labor, to R. A. Wendell, Regional Administrator, and incorporated as a part of the plan, amended State standards comparable to amendments to Federal standards: 29 CFR 1910.19 Special Provisions for Air Contaminants, dated May 5, 1978; 29 CFR 1910.1000 Air Contaminants, dated May 5, 1978; 29 CFR 1910.1018 Inorganic Arsenic, dated May 5, 1978; 29 CFR 1910.19 Special Provisions for Air Contaminants, dated June 23, 1978; 29 CFR 1910.1000 Air Contaminants, dated June 23, 1978; 29 CFR 1910.1043 Cotton Dust, dated June 23, 1978; 29 CFR 1910.1046(a) Exposure to Cotton Dust in Cotton Gins, dated June 23, 1978; 29 CFR 1910.1018 Corrections to Inorganic Arsenic, dated June 30, 1978; 29 CFR 1910.19 Corrections to Special Provisions for Air Contaminants, dated June 30, 1978; 29 CFR 1910.1043 Corrections to Cotton Dust, dated June 30, 1978; 29 CFR 1910.1046(a) Corrections to Cotton Dust in Cotton Gins, dated June 30, 1978; 29 CFR 1928.21 amended, dated June 30, 1978; 29 CFR 1928.113 a new Subpart I Toxic and Hazardous Substances, dated June 30, 1978.

These standards were promulgated by filing with the Tennessee Secretary of State of June 8, 1978 and July 10, 1978, respectively, pursuant to the Tennessee Occupational Safety and Health Act of 1972 (Title 50, Chapter 5, Tennessee Code annotated as amended July 1, 1977).

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards, it has been determined that the updated standards are identical to Federal Standards. The standards are hereby approved.

3. *Location of supplement for inspection and copying.* A copy of the standard supplement along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Commissioner of Labor, 501 Union Building, Nashville, Tennessee 37219; Office of the Regional Administrator, Suite 587, 1375 Peachtree Street, N.E., Atlanta, Georgia 30309; Office of the Director of Federal Compliance and

State Programs, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c) the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds good cause exists for not publishing the supplement to the Tennessee State plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standards are identical to the Federal standards and are therefore deemed to be at least as effective.

2. The standards were adopted in accordance with procedural requirements of State law and further public participation would be unnecessary.

This decision is effective November 16, 1979.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 [29 U.S.C. 667])

Signed at Atlanta, Georgia, this 15th day of September 1978.

R. A. Wendell,  
Regional Administrator.

[FR Doc. 79-35446 Filed 11-15-79; 8:45 am]  
BILLING CODE 4510-26-M

### Approval of Utah State Standards

1. *Background.* Part 1953 of title 29, Code of Federal Regulations, prescribed procedures under Section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under the delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary), (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State Plan which has been approved in accordance with Section 18(c) of the Act and 29 CFR Part 1902. On January 10, 1973, notice was published in the Federal Register (38 FR 1178) of the approval of the Utah Plan and the adoption of Subpart E to Part 1952 containing the decision.

The Utah Plan provides for the adoption of Federal Standards as State Standards by:

1. Advisory Committee recommendation.

2. Publication in newspapers of general/major circulation with a 30-day waiting period for public comment and hearing(s).

3. Commission order adopting the standards and designating an effective date.

4. Providing certified copies of Rules and Regulations or Standards to the Office of the State Archivist.

Section 1952.113 of Subpart E sets forth the States schedule for revocation and amendment of Federal Standards. By letter dated December 8, 1978 and letter dated March 13, 1979, from Ronald L. Joseph, Administrator, Utah Occupational Safety and Health Division, to Curtis A. Foster, Regional Administrator, vacated as part of the Plan, the State submitted rules and regulations concerning "Selected General Industry Safety and Health Standards; Revocation", which was published in Federal Register (43 FR 49726), Tuesday, October 24, 1978 and "Revocation of Selected General Industry Safety and Health Standards; Corrections", (43 FR 51759), Tuesday, November 7, 1978.

These standards, which were a part of the Utah Occupational Safety and Health Rules and Regulations for General Industry, revoked and amended per the requirements of Utah Code annotated 1953, Title 63-46-1, and in addition, published in newspaper of general/major circulation throughout the State. No public comment was received and no hearings held.

The "Selected General Industry Safety and Health Standards; Revocation", were vacated by the Industrial Commission of Utah, Archives File Number 3139 on January 26, 1979, pursuant to Title 35-9-6 Utah Code annotated 1953.

2. *Decision.* The State submission was reviewed in comparison with the Federal Standards Revocation and Amendments, and has been determined to be identical to the Federal Standards, and accordingly should be approved.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Room 1554, Federal Office Building, 1961 Stout Street, Denver, Colorado 80294; Utah State Industrial Commission, UOSHA Offices at 448 South 400 East, Salt Lake City, Utah 84111; and the Technical Data Center, Room N2439R, 3rd Constitution Avenue NW., Washington, D.C. 20210.

4. *Publication participation.* Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists

for not publishing the supplement to the Utah State Plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reason:

The Standards were adopted in accordance with the procedural requirements of State law which permitted public comments, and further public participation would be repetitious.

This decision is effective November 16, 1979.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Denver, Colorado, this 7th day of June 1979.

Curtis A. Foster,  
Regional Administrator.

[FR Doc. 79-35447 Filed 11-15-79; 8:45 am]

BILLING CODE 4510-26-M

### Approval of Wyoming State Standards

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under Section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) 29 CFR 1953.4 will review and approve standards promulgated pursuant to a State Plan which has been approved in accordance with Section 18(c) of the Act and 29 CFR Part 1902. On May 3, 1974, notice was published in the Federal Register (39 FR 15394) of the approval of the Wyoming Plan and the adoption of Subpart BB to Part 1952 containing the decision.

The Wyoming Plan provides for the adoption of Federal standards as State standards after public hearings. Section 1953.23(a)(2) of 29 CFR provides that whenever a Federal standard is promulgated, the State must adopt or promulgate a standard or standard change which will make the State standard at least as effective as the Federal standard or change within six months of the Federal promulgation or change. In response to Federal standard changes, the State has submitted by letter dated February 21, 1979 and May 7, 1979, from Donald D. Owsley, Health and Safety Administrator, to Curtis A. Foster, Regional Administrator, and incorporated as part of the plan, State Rules and Regulations comparable to the 29 CFR 1910.1025 Occupational Exposure to Lead which was published in Federal Register (43 FR 52952),

Tuesday, November 14, 1978 and (44 FR 5446), Friday, January 26, 1979. These standards, which are contained in the Wyoming Occupational Safety and Health Rules and Regulations for General Industry, were heard at Public Hearing on March 16, 1979 and were adopted by the WOHHS Commission on that date and filed in the State Registry of the Office of the Secretary of State on May 7, 1979, and became effective on May 24, 1979, pursuant to Section 27-278 Wyoming Status 1957 as amended 1973.

2. *Decision.* Having reviewed the State submission in comparison with the Federal Regulations and Procedures, it has been determined that the State Rules of Practice and Procedures are at least as effective as the comparable Federal Regulations and Procedures.

3. *Location of supplements for inspection and copying.* A copy of the standards supplements, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, Room 1554, Federal Building, 1961 Stout Street, Denver, Colorado 80294; the Occupational Health and Safety Department, 200 East Eighth Avenue, Cheyenne, Wyoming 82001; and the Technical Data Center, Room N2439R, 3rd and Constitution Avenue, NW., Washington, D.C. 20210.

4. *Public participation.* Under Section 1953.2(c) of 29 CFR Part 1953, the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplements to the Wyoming State Plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reason:

The standards were adopted in accordance with the procedural requirements of State law, which included public comments, and further public participation would be unnecessary.

This decision is effective November 16, 1979.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Denver, Colorado, this eighth day of June, 1979.

Curtis A. Foster,  
Regional Administrator.

[FR Doc. 79-35448 Filed 11-15-79; 8:45 am]

BILLING CODE 4510-26-M

**Pension and Welfare Benefit Programs**

[Application No. D-156]

**Proposed Exemption for Certain Transactions Involving the Mead Retirement Auxiliary Trust****Correction**

In FR Doc. 79-34057 appearing on page 64154 in the issue for Tuesday, November 6, 1979, make the following correction:

On page 64155, in the third column, the fourth line of paragraph "b." should have read ". . . any time after 1990, for a fixed price increasing each year. The price for the interests of both is fixed at \$100,000 for 1990, and increases to . . .".

BILLING CODE 1505-01-M

**Office of Pension and Welfare Benefit Programs**

[Prohibited Transaction Exemption 79-67]

**Exemption From the Prohibitions for Certain Transactions Involving Victoria Machine Works, Inc. Thrift Retirement Trust Plan (Exemption Application No. D-1383)**

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

**SUMMARY:** This exemption permits the loan of funds by Victoria Machine Works, Inc. Thrift Retirement Trust Plan (the Plan) to Victoria Industrial Equipment, Inc. (the Borrower), which is related to Victoria Machine Works, Inc. (the Employer), the Plan sponsor.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert N. Sandler of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216. (202) 523-8883. (This is not a toll-free number.)

**SUPPLEMENTARY INFORMATION:** On September 21, 1979 notice was published in the Federal Register (44 FR 54793) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the taxes imposed by section 4975 (a) and (b) of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code, for the loan of funds by the Plan to the Borrower. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a

complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. No public comments and no requests for a hearing were received by the Department. The notice also stated that notice of the pending exemption was to be given to all interested persons within 10 days of the publication of the pending exemption in the Federal Register. The applicant represents that it has fully complied with this notice provision.

The notice of pendency was issued and the exemption is being granted, solely by the Department because, effective December 31, 1978 section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

**General Information**

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative

exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

**Exemption**

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations: (a) The exemption is administratively feasible; (b) It is in the interests of the Plan and of its participants and beneficiaries; and (c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly, the restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act, and the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the loan of \$223,335 by the Plan to the Borrower for the purchase of an SMT Numerically Controlled Lathé, as more fully described in the proposed exemption (44 FR 54793).

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 6th day of November 1979.

Ian D. Lanoff,

*Administrator for Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.*

[FR Doc. 79-35238 Filed 11-15-79; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 79-69]

**Exemption From the Prohibitions for Certain Transactions Involving the Leo J. Bolles, M.D., Inc. Pension Plan (Exemption Application No. D-1146)**

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

**SUMMARY:** This exemption permits the cash sale by the Leo J. Bolles, M.D. Inc. Pension Plan (the Plan) of real property in Bellevue, Washington to Dr. Leo Bolles and his wife, Margaret Bolles (the Bolles) or the Bolles and another partner.



**FOR FURTHER INFORMATION CONTACT:**

Richard Small of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216. (202) 523-7222. (This is not a toll-free number.)

**SUPPLEMENTARY INFORMATION:**

On September 7, 1979 notice was published in the Federal Register (44 FR 52367) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the taxes imposed by section 4975 (a) and (b) of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code, for the sale for cash by the Plan of real property located on Bellevue-Redmond Road and East of 156th Street, NE. in Bellevue, Washington for \$343,000 to the Bolles or to the Bolles and a partner provided that this amount is not less than the fair market value of the real property at the time of sale. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. No public comments and no requests for a hearing were received by the Department.

This application was filed with both the Department and the Internal Revenue Service. However, the notice of pendency was issued and the exemption is being granted, solely by the Department because, effective December 31, 1978 section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

**General Information**

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a

plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

**Exemption**

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly, the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and from the taxes imposed by section 4975 (a) and (b) of the Code by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the sale for cash by the Plan of real property located on Bellevue-Redmond Road and East of 156th Street, N.E. in Bellevue, Washington for \$343,000 to the Bolles or to the Bolles and a partner provided that this amount is not less than the fair market value of the real property at the time of sale.

The availability of this exemption is subject to the express condition that the

material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 6th day of November 1979.

Ian D. Lanoff,

*Administrator for Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.*

[FR Doc. 79-35239 Filed 11-15-79; 8:45 am]

BILLING CODE 4510-29-M

**[Prohibited Transaction Exemption 79-70]**

**Exemption From the Prohibitions for Certain Transactions Involving the Oregon Builders, Inc. Pension and Profit Sharing Plan (Exemption Application No. D-1380)**

**AGENCY:** Department of Labor.

**ACTION:** Grant of individual exemption.

**SUMMARY:** This exemption permits the sale of five parcels of real property by the Oregon Builders, Inc. Pension and Profit Sharing Trust (the Plan) to the Oregon Builders, Inc. (the Employer), the sponsor of the Plan.

**FOR FURTHER INFORMATION CONTACT:**

Richard Small of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216. (202) 523-7222. (This is not a toll-free number.)

**SUPPLEMENTARY INFORMATION:**

On August 31, 1979 notice was published in the Federal Register (44 FR 51380) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the taxes imposed by section 4975 (a) and (b) of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code, to the cash sale of one parcel of real property in Bliss Park in Lane County, Oregon for \$15,300 and to the cash sale of four parcels of real property in the Brentwood Homes section of Lane County, Oregon for \$34,000 provided that these amounts are not less than the fair market value of the parcels of real property at the time of the sales. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and



representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. No public comments and no requests for a hearing were received by the Department.

This application was filed with both the Department and the Internal Revenue Service. However, the notice of pendency was issued and the exemption is being granted, solely by the Department because, effective December 31, 1978 section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

#### General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the

transaction is, in fact, a prohibited transaction.

#### Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations: (a) The exemption is administratively feasible; (b) It is in the interests of the Plan and of its participants and beneficiaries; and (c) It is protective of the rights of the participants and beneficiaries of Plan.

Accordingly, the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the cash sale of one parcel of real property in Bliss Park in Lane County, Oregon for \$15,300 and to the cash sale of four parcels of real property in the Brentwood Homes section of Lane County Oregon for \$34,000 to the Employer by the Plan provided that these amounts are not less than the fair market value of the parcels of real property at the time of the sales.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 6th day of November 1979.

Ian D. Lanoff,

*Administrator for Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.*

[FR Doc. 79-35240 Filed 11-15-79; 8:45 am]

BILLING CODE 4510-29-14

#### [Prohibited Transaction Exemption 79-68]

**Exemption From the Prohibitions for Certain Transactions Involving the DCA Food Industries, Inc., Employees' Retirement Plan (Exemption Application No. D-1258)**

**AGENCY:** Department of Labor.

**ACTION:** Grant of individual exemption.

**SUMMARY:** This exemption permits certain past and proposed sales for cash by the DCA Food Industries Inc. Employees' Retirement Plan (the Plan) of 5 percent cumulative preferred stock (Preferred Stock) of DCA Food Industries Inc. (the Employer) to the Employer.

#### FOR FURTHER INFORMATION CONTACT:

Richard Small of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-456, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216. (202) 523-7222. (This is not a toll-free number.)

#### SUPPLEMENTARY INFORMATION:

On September 7, 1979 notice was published in the Federal Register (44 FR 52368) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a) of the Employee Retirement Income Security Act of 1974 (the Act) and from the taxes imposed by section 4975 (a) and (b) of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (D) of the Code, for (1) the cash sale in 1975 of 800 shares of the Preferred Stock at \$50 per share by the Plan to the Employer provided that \$50 per share was greater than the fair market value of the Preferred Stock at the time of the sale and (2) the proposed cash sales of 11,048.8 shares of the Preferred Stock at \$50 per share by the Plan to the Employer provided that \$50 per share is greater than the fair market value of the Preferred Stock at the time of the sales. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. No public comments were received by the Department.

This application was filed with both the Department and the Internal Revenue Service. However, the notice of pendency was issued and the exemption is being granted, solely by the Department because, effective December 31, 1978 section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

#### General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions

of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b) of the Act and section 4975(c)(1)(E) and (F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

#### Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedures 75-1 (40 FR 18471, Apr. 28, 1975), and based upon the entire record, the Department makes the following determinations: (a) The exemption is administratively feasible; (b) It is in the interests of the Plan and of its participants and beneficiaries; and (c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly, the restrictions of section 406(a) of the Act and from the taxes imposed by section 4975(a) and (b) of the Code by reason of section 4975(c)(1)(A) through (D) of the Code shall not apply to (1) the cash sale in 1975 of 800 shares of the Preferred Stock at \$50 per share by the Plan to the Employer provided that \$50 per share was greater than the fair market value of the Preferred Stock at the time of the sale and (2) the proposed cash sales of 11,048.8 shares of the Preferred Stock at \$50 per share by the Plan to the Employer provided that \$50 per share is greater than the fair market value of the Preferred Stock at the time of the sales.

The availability of this exemption is subject to the express condition that the

material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 6th day of November 1979.

Ian D. Lanoff,

*Administrator for Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.*

[FR Doc. 79-35241 Filed 11-15-79; 8:45 am]

BILLING CODE 4510-29-M

#### **Proposed Exemption for Certain Transactions Involving the United Precision Machine and Engineering Company Profit Sharing Plan (Application No. D-1061)**

**AGENCY:** Department of Labor.

**ACTION:** Notice of Proposed Exemption.

**SUMMARY:** This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and from certain taxes imposed by the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the loan of \$120,000 from the United Precision Machine and Engineering Company Profit Sharing Plan (the Plan) to United Precision Machine and Engineering Company (the Employer), a party in interest. The proposed exemption, if granted, would affect participants and beneficiaries of the Plan and the Employer.

**DATES:** Written comments and requests for a public hearing must be received by the Department on or before Dec. 14, 1979.

**ADDRESSES:** All written comments and requests for a hearing (at least three copies) should be sent to: Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216, Attention: Application No. D-1061. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

**FOR FURTHER INFORMATION CONTACT:** Alan H. Levitas of the Department of Labor, (202) 523-8884. (This is not a toll-free number.)

**SUPPLEMENTARY INFORMATION:** Notice is hereby given of the pendency before the Department of a proposed exemption from the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and from the taxes imposed by section 4975(a) and (b) of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by the Employer, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). The application was filed with both the Department and the Internal Revenue Service. However, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

#### **Summary of Facts and Representations**

The application contains facts and representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan proposes to loan the Employer the sum of \$120,000, receiving in return a promissory note collateralized with a perfected security interest in two lathes, a milling machine and a tracer (the equipment) owned by the Employer. The loan is to be repaid in 48 equal monthly installments of \$3,310.29, at an interest rate of 14½% per annum.

2. The equipment, except for the tracer, was appraised for \$237,500 on August 13, 1979 by an independent appraiser. On July 20, 1978, the same appraiser valued one of the lathes and the milling machine for \$179,000. Their value had increased by \$27,000. The appraiser had noted the fact that demand for the equipment is high and therefore the market is good. The Employer represents that the tracer has a value of \$4,500. Thus, the loan represents approximately 49.6% of the value of the equipment which will secure the loan. The Employer represents that the market value of the collateral will at all times be kept to at least twice the outstanding loan balance due at any time. Thus, in the event the value of the present collateral falls below the above ratio, additional collateral will be offered as security. The Employer will maintain adequate insurance against loss on the equipment during the period the loan is outstanding.

3. As of March 31, 1978, Plan assets totaled \$790,097. The proposed loan, in conjunction with prior transactions with the Employer, represents approximately 19.1% of the Plan's assets.

4. A local bank has represented that it would lend \$120,000 to the Employer, secured by machinery, for a term of four years at 13½% interest, provided the loan to collateral value was 50% or less.

5. The Employer will appoint the Valley Bank and Trust Company to be an independent custodial manager for the Plan assets involved in the proposed transaction. The custodial manager will, among other responsibilities and duties, oversee the repayment of the loan by the Employer and will enforce the terms of the agreement, including making demand for payment, bringing suit or otherwise proceeding on behalf of the Plan in the event of default by the Employer under the terms of the agreement.

6. In summary, the applicant represents that the proposed transaction meets the statutory criteria for an exemption under section 408(a) of the Act because (1) the Plan will receive 14½% interest on its investment which is greater than the rate the Employer would pay to an unrelated party, (2) the loan is secured by equipment with an appraised value which is more than twice the amount of the loan, (3) a perfected security agreement will be filed on behalf of the Plan on the equipment, (4) the loan will be administered by an independent custodial manager, and (5) the trustee has determined that the transaction is appropriate for the Plan and is in the best interest of the Plan's participants and beneficiaries.

#### Notice to Interested Persons

Within 10 working days after the notice of pendency is published in the Federal Register, notice will be mailed to all Plan participants, beneficiaries and other interested persons and will be posted at the usual places for notices to employees.

#### General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a

fiduciary to discharge his duties respecting the plan solely in the interests of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 408(b)(3) of the Act, and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries, and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

#### Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

#### Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 408(a), 408(b)(1) and (b)(2) of the Act and the taxes imposed by section 4975(a) and (b) of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to a loan of

\$120,000 by the Plan to the Employer: *Provided*, That the terms of the transaction are not less favorable to the Plan than those obtainable in an arm's-length transaction with an unrelated party at the time of consummation of the transaction. The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 6th day of November 1979.

Ian D. Lanoff,

Administrator for Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 79-35242 Filed 11-15-79; 8:45 am]

BILLING CODE 4510-29-M

#### Office of the Secretary

[TA-W-5721]

#### Bishop Coal Co., McDowell County, W. Va.; Negative Determination Regarding Application for Reconsideration

By an application dated October 9, 1979, the petitioning union requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance in the case of workers and former workers producing metallurgical coal at Bishop Coal Company, Bishop, West Virginia. The determination was published in the Federal Register on September 18, 1979, [44 FR 54133].

Pursuant to 29 CFR 90.18(c), reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts previously considered; or

(3) If, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justifies reconsideration of the decision.

The petitioning union claims that in meeting the increased import criterion of Section 222 of the Trade Act, it is irrelevant whether imports increased or decreased during the period in question so long as they were significant.

The Department's review of the investigative case file revealed that workers at Bishop Coal were denied

eligibility because they did not meet the "contributed importantly" test of the Trade Act. No customers reported purchases of imported metallurgical coal, and the only customer purchasing imported coke decreased its purchases of imported coke in 1978 compared to 1977 and in the first seven months of 1979 compared to the same period in 1978.

The Department sees no validity in the petitioning union's contention that it is irrelevant whether imports increase or decrease during the period in question so long as they are significant. Section 222 of the Trade Act specifically states that in order for a group of workers to become certified eligible for trade adjustment assistance there must be an increase of imports of articles like or directly competitive with the articles produced by the workers' firm or appropriate subdivision and that these increased imports must contribute importantly to the workers' total or partial separations. Accordingly, the Department found that although U.S. aggregate imports of coke increased they did not contribute importantly to worker separations or to a decrease in sales or production at Bishop Coal.

#### Conclusion

After review of the application and the investigative file, I conclude that there has been no error or misinterpretation of fact or misinterpretation of the law which would justify reconsideration of the Department of Labor's prior decision. The application is, therefore, denied.

Signed at Washington, D.C., this 7th day of November 1979.

James F. Taylor,  
Director, Office of Management,  
Administration and Planning.

[FR Doc. 79-35450 Filed 11-15-79; 8:45 am]  
BILLING CODE 4510-28-M

#### [TA-W-6050]

#### Cherokee Mining Co., Verner, W. Va.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on September 19, 1979 in response to a worker petition received on September 14, 1979 which was filed on behalf of workers and former workers mining steam coal at Cherokee Mining Company, Logan, West Virginia. The investigation revealed that the mine is located at Verner, West Virginia in Logan County. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increase of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Cherokee Mining Company mines primarily steam coal. U.S. imports of steam coal are negligible and declining.

The metallurgical coal mined at Cherokee Mining is sold to a coal processing company which exports all of its coal.

#### Conclusion

After careful review, I determine that all workers of Cherokee Mining Company, Verner, West Virginia are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 9th day of November 1979.

C. Michael Aho,  
Director, Office of Foreign Economic  
Research.

[FR Doc. 79-35451 Filed 11-15-79; 8:45 am]  
BILLING CODE 4510-28-M

#### [TA-W-6015]

#### Dell Knitwear, Inc.; Bronx, N.Y.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on September 12, 1979 in response to a worker petition received on September 6, 1979 which was filed on behalf of workers and former workers producing children's sweaters at Dell Knit,

Incorporated, Bronx, New York. It is concluded that all requirements have been met.

U.S. imports of men's and boys' sweaters, knit cardigans and pullovers increased both absolutely and relative to domestic production in 1978 compared to 1977.

U.S. imports of women's, misses' and children's sweaters increased relative to domestic production in 1978 compared to 1977. The ratio of imports to domestic production was 115 percent or greater in 1978, 1977 and 1978.

The Office of Trade Adjustment Assistance conducted a survey of major customers of Dell Knitwear. Customers representing a significant proportion of Dell's 1977 sales reported that they reduced purchases of children's sweaters from Dell and increased purchases of imported children's sweaters in 1978 compared to 1977 and in the first eight months of 1979 compared to the same period in 1978.

#### Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with children's sweaters produced at Dell Knitwear, Incorporated, Bronx, New York contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Dell Knitwear, Incorporated, Bronx, New York who became totally or partially separated from employment on or after September 28, 1978 and before October 30, 1979 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 9th day of November 1979.

C. Michael Aho,  
Director, Office of Foreign Economic  
Research.

[FR Doc. 79-35452 Filed 11-15-79; 8:45 am]  
BILLING CODE 4510-28-M

#### [TA-W-6007]

#### Ideal Outerwear Co., Inc.; East Newark, N.J.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification

of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on September 11, 1979, in response to a worker petition received on September 4, 1979, which was filed on behalf of workers and former workers producing men's leather and suede coats at Ideal Outerwear Company, Incorporated, East Newark, New Jersey. The investigation revealed that Ideal Outerwear produces men's cloth and leather jackets and coats. It is concluded that all of the requirements have been met.

U.S. imports of men's and boys' nontailored outer jackets increased absolutely and relative to domestic production in 1978 compared to 1977. The ratio of imports to domestic production increased from 32.3 percent in 1977 to 39.4 percent in 1978. U.S. imports of leather coats and jackets—men's, boys', women's, misses', juniors' and childrens'—increased absolutely and relative to domestic production in 1978 compared to 1977. The ratio of imports to domestic production increased from 85.3 percent in 1977 to 139.9 percent in 1978.

The Department of Labor surveyed customers of Ideal Outerwear concerning their purchases of men's leather and cloth coats. Some customers indicated that they decreased orders of coats with Ideal Outerwear and increased orders of coats with foreign sources in 1979 compared to 1978.

Imports of leather and cloth coats and jackets by Ideal Outerwear increased in the first quarter of 1979 compared to the same period in 1978.

#### Conclusion

After careful review of the facts obtained in the investigation, I conclude

that increases of imports of articles like or directly competitive with the men's cloth and leather jackets and coats produced at Ideal Outerwear Company, Incorporated, East Newark, New Jersey, contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Ideal Outerwear Company, Incorporated, East Newark, New Jersey, who became totally or partially separated from employment on or after June 15, 1979, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 9th day of November 1979.

C. Michael Aho,  
Director, Office of Foreign Economic  
Research.

[FR Doc. 79-35453 Filed 11-15-79; 8:45 am]  
BILLING CODE 4510-28-M

#### Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers'

firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing: *Provided*, Such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 26, 1979.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 26, 1979.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 8th day of November 1979.

Marvin M. Fooks,  
Director, Office of Trade Adjustment  
Assistance.

#### Appendix

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Airco Speer Electronics (company)	Bradford, Pa.	11/5/79	11/2/79	TA-W-6,343	Warehousing of electronic resistors.
Allied Chemical Corp., Semet-Solvay Division (Oil Chemical & Atomic Workers Union).	Ashland, Ky.	11/2/79	10/28/79	TA-W-6,344	Metallurgical coke.
Crest Container Corp. (UAW)	Milville, N.J.	11/2/79	10/24/79	TA-W-6,345	Disposable food containers.
E. R. Moore Co. (company)	Osceola, Ark.	11/5/79	10/23/79	TA-W-6,346	Ladies' fashions, adult and children's warm-up shorts.
Excel Corp. (IAM)	Elkhart, Ind.	10/18/79	10/18/79	TA-W-6,347	Push out windows for automotive industry.
H. W. Gossard, Inc. (workers)	Malden, Mo.	10/23/79	9/25/79	TA-W-6,348	Lingerie.
Huntingdon Apparel Manufacturing Co. (ACTWU).	Huntingdon, Pa.	11/3/79	10/31/79	TA-W-6,349	Men's trousers.
Jo-Jo Manufacturing (workers)	Port Jervis, N.Y.	11/3/79	10/26/79	TA-W-6,350	Children's clothing.
Lebow Brothers, Inc. (ACTWU)	Baltimore, Md.	11/3/79	10/31/79	TA-W-6,351	Men's tailored clothing.
Luzerne Outerwear Manufacturing Co. (ACTWU).	Elysburg, Pa.	11/3/79	10/31/79	TA-W-6,352	Outerwear.
Luzerne Outerwear Manufacturing Co. (ACTWU).	Berwick, Pa.	11/3/79	10/31/79	TA-W-6,353	Outerwear
Roller Fabrics, Inc. (ACTWU)	Milwaukee, Wis.	11/3/79	10/31/79	TA-W-6,354	Knitted pile fabrics.
Weiss Shirt Co., Inc. (company)	New York, N.Y.	11/2/79	10/22/79	TA-W-6,355	Ladies' shirts.

[TA-W-6126]

**King Powellton Mining, Inc., Hansford, W. Va.; Termination of Investigation**

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on October 1, 1979 in response to a worker petition received on September 26, 1979 which was filed on behalf of workers and former workers mining metallurgical coal at King Powellton Mining, Incorporated, Hansford, West Virginia. The petition alleges that imports caused layoffs May 4, 1979.

On July 17, 1979, all workers of King Powellton Mining, Incorporated were denied eligibility to apply for adjustment assistance (TA-W-5458). The petition alleged that imports had caused layoffs May 4, 1979. That investigation revealed no evidence that indicated that increased imports of coke or coal had contributed importantly to the May 4, 1979 layoffs.

Since an investigation has already been conducted pursuant to the facts and statements presented in the current petition (TA-W-6126) and since the current petition presents no additional information pursuant to the previous determination (TA-W-5458) that would change the previous determination, another investigation would serve no purpose. Consequently, the investigation has been terminated.

Signed at Washington, D.C., this 7th day of November 1979.

Harold A. Bratt,

*Acting Director, Office of Trade Adjustment Assistance.*

[FR Doc. 79-35454 Filed 11-15-79; 8:45 am]  
BILLING CODE 4510-28-M

[TA-W- 5771 and 5780]

**Magnavox Consumer Electronics Co., Morristown, Tenn., Johnson City, Tenn.; Affirmative Determination Regarding Application for Reconsideration**

On October 4 and 8, 1979, workers and former workers requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment

Assistance in the case of workers and former workers of Magnavox Consumer Electronics Company, Morristown and Johnson City, Tennessee. This determination was published in the Federal Register on September 25, 1979. (44 FR 55249).

The workers and former workers claim in their application for reconsideration that foreign competition was the reason for the consolidation of the Morristown and Johnson City, Tennessee, plants into Magnavox's Greenville and Jefferson City, Tennessee, plants and that these plants should be considered separately. The workers further claim that (1) had the Department used a different measure, units instead of value, then the sales criterion would have been met; (2) many of the parts (transistors, resistors, etc.) used in the production of printed circuit boards and other components of color televisions were imported; and (3) rubber molds were made at Morristown and sent overseas for tuner production.

**Conclusion**

After review of the application, I conclude that the claims of the workers are of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, D.C., this 9th day of November 1979.

C. Michael Aho,  
*Director, Office of Foreign Economic Research.*

[FR Doc. 79-35455 Filed 11-15-79; 8:45 am]  
BILLING CODE 4510-28-M

[TA-W-5926]

**Outboard Marine Corp., Milwaukee, Wis.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on August 29, 1979 in response to a worker

petition received on August 27, 1979 which was filed on behalf of workers and former workers producing outboard motors at the Milwaukee, Wisconsin plant of Outboard Marine Corporation. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

From 1977 to 1978, company domestic sales of outboard motors and parts, total company domestic production of outboard motors, and plant production of outboard motors increased. In the first half of 1979, compared with the same period in 1978, U.S. imports of outboard motors decreased absolutely. Outboard Marine Corporation sells outboard motors through company authorized dealers which sell directly to consumers. Recent shortages of gasoline, increasing oil prices, and accelerating inflation resulting in less disposable income of the general public have contributed to the reduction in demand for outboard motors.

**Conclusion**

After careful review, I determine that all workers at the Milwaukee, Wisconsin plant of Outboard Marine Corporation are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 9th day of November 1979.

C. Michael Aho,  
*Director, Office of Foreign Economic Research.*

[FR Doc. 79-35456 Filed 11-15-79; 8:45 am]  
BILLING CODE 4510-28-M

[TA-W-6154]

**Peach Creek Processing, Logan, W. Va.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding



certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on October 4, 1979 in response to a worker petition received on October 1, 1979 which was filed on behalf of workers and former workers mining metallurgical coal at Peach Creek Processing, Logan, West Virginia. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Evidence developed in the course of the investigation revealed that all metallurgical coal mined by the Deep Ford mine of Peach Creek Processing has been exported to Italy. Since the declines in sales was due to a decrease in exports, increased imports of coal or coke into the United States could not affect sales and production levels at Peach Creek Processing.

#### Conclusion

After careful review, I determine that all workers of Peach Creek Processing, Logan, West Virginia are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 9th day of November 1979.

C. Michael Aho,  
*Director, Office of Foreign Economic Research.*

[FR Doc. 79-35457 Filed 11-15-79; 8:45 am]  
BILLING CODE 4510-28-M

#### [TA-W-5922]

#### **Uniroyal Tire Co., Opelika, Ala.; Determinations Regarding Eligibility to Apply for Worker Adjustment Assistance**

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility

requirements of Section 222 of the Act must be met.

The investigation was initiated on August 27, 1979 in response to a worker petition received on August 22, 1979 which was filed by the United Rubber, Cork, Linoleum and Plastic Workers of America on behalf of workers and former workers producing tires at the Opelika, Alabama plant of Uniroyal Tire Company. The investigation revealed that the plant produces primarily passenger car and truck tires. In the following determinations, with respect to the production of truck tires and without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

A survey conducted by the Department of the major customers of Uniroyal revealed that most customers did not purchase imported truck tires. Those customers which did purchase imported truck tires either increased purchases of truck tires from Uniroyal or from other domestic suppliers, in 1978 compared to 1977 and in the first nine months of 1979 compared to the same period of 1978. Customers which decreased purchases from Uniroyal and increased purchases of imported truck tires represented an insignificant proportion of Uniroyal's truck tire sales during the first nine months of 1979.

With respect to the production of passenger car tires, all of the criteria have been met.

U.S. imports of passenger car tires increased relative to domestic production in 1978 compared to 1977, and increased both absolutely and relative to domestic production in the first six months of 1979 compared to the same period in 1978.

Total Uniroyal imports of passenger car tires increased substantially in 1978 compared to 1977 and increased in the first eight months of 1979 compared to the same period in 1978.

The workers at the Opelika, Alabama plant of Uniroyal Tire Company are engaged in employment related to the production of passenger car tires and truck tires. Workers are not separately identifiable by product line.

#### Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with passenger car tires produced at the Opelika, Alabama Plant of Uniroyal Tire

Company contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of the Opelika, Alabama Plant of Uniroyal Tire Company, engaged in employment related to the production of passenger car tires, who became totally or partially separated from employment on or after March 25, 1979 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 26th day of October 1979.

James F. Taylor,  
*Director, Office of Management, Administration and Planning.*

[FR Doc. 79-36458 Filed 11-15-79; 8:45 am]  
BILLING CODE 4510-28-M

#### [TA-W-6014]

#### **Woodstock Shoe Co., Woodstock, Va.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on September 11, 1979, in response to a worker petition received on September 6, 1979, which was filed on behalf of workers and former workers producing youth's shoes at Woodstock Shoe Company, Woodstock, Virginia. The investigation revealed that the plant produces primarily uppers for children's sandals and infant's shoes. It is concluded that all of the requirements have been met.

Woodstock Shoe Company was owned by Kinney Shoe Corporation. While it was in operation (from June 1977 through July 1979), Woodstock produced uppers for children's sandals and infants' shoes which were used only by Kinney in the manufacture of these shoes.

U.S. imports of children's nonrubber footwear, except athletic increased absolutely and relative to domestic production in the first six months of 1979 compared to the like period of 1978. U.S. imports of infant's and babies' nonrubber footwear increased absolutely and relative to domestic

production in the first six months of 1979 compared to the like period of 1978.

Woodstock Shoe Company, owned by Kinney Shoe Corporation, produced uppers for children's sandals and infants' shoes for a Kinney Shoe Corporation plant in Sutton, West Virginia. A large customer of the Sutton plant reduced purchases of sandals from Sutton and increased its purchases of imports in the first eight months of 1979 compared to the like period of 1978. Woodstock Shoe Company closed in July 1979.

#### Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with uppers for children's sandals and infants' shoes produced at Woodstock Shoe Company, Woodstock, Virginia contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Woodstock Shoe Company, Woodstock, Virginia who became totally or partially separated from employment on or after July 1, 1979 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 8th day of November 1979.

James F. Taylor,  
*Director, Office of Management,  
Administration and Planning.*

[FR Doc. 79-35459 Filed 11-15-79; 8:45 am]  
BILLING CODE 4510-28-M

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 79-94]

### NASA Advisory Council (NAC); Space Systems and Technology Advisory Committee; Meeting

The Informal Ad Hoc Advisory Subcommittee on Technology for Energy Storage will meet on December 4 and 5, 1979 in Room 215, Administration Building, NASA Lewis Research Center, Cleveland, Ohio. The meeting will be open to the public up to the seating capacity of the room (about 45 persons including Subcommittee members and participants).

The Subcommittee was established to review technology needs for energy storage in space activities and to evaluate the adequacy of current Office of Aeronautics and Space Technology and other research and technology efforts to meet those needs. The

Chairperson is Mr. Fred H. Esch, and there are six members of the Subcommittee.

#### Agenda

##### December 4, 1979

9:00 a.m.—Welcome.  
9:15 a.m.—Introductory Remarks—  
Chairperson.  
—Objective,  
—Process,  
—Schedule.  
9:45 a.m.—Current Programs and Problems of Space Energy Storage.  
—NASA—Overview,  
—DOE—Overview,  
—DOD—Overview,  
—Technology and Application Status Reports.  
4:00 p.m.—Identification of Critical Issues.

##### December 5, 1979

9:00 a.m.—Subgroup Discussion of Critical Issues.  
1:00 p.m.—Report of Subgroup Discussion, Tasks Assignment, and Action Items.  
4:00 p.m.—Adjourn.

For further information contact Mr. Jerome P. Mullin, Executive Secretary of the Informal Ad Hoc Advisory Subcommittee on Technology for Energy Storage, Code RTS-6, NASA Headquarters, Washington, DC 20546. Telephone 202/755-3278.

Russell Ritchie,  
*Deputy Associate Administrator for External Relations.*

November 13, 1979.

[FR Doc. 79-35427 Filed 11-15-79; 8:45 am]  
BILLING CODE 7510-01-M

## NATIONAL COMMISSION FOR EMPLOYMENT POLICY

### Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770) notice is hereby given that the National Commission for Employment Policy will hold its next formal meeting on December 7, 1979, in Mount Vernon Room of the Sheraton Carlton Hotel, located at 16th and K Streets, NW, Washington, D.C. The meeting will begin at 9:00 a.m. and adjourn at 5:00 p.m.

The National Commission for Employment Policy was established pursuant to Title V of the Comprehensive Employment and Training Act of 1973, as amended, (Pub. L. 93-203 and Pub. L. 95-524). The Act charges the Commission with the broad responsibility of advising the President, the Congress, the Secretary of Labor, and other Federal agency administrators on national employment and training issues. The Commission is specifically charged with reporting annually to the

President and the Congress on its findings and recommendations with respect to the Nation's employment and training policies and programs.

The Commission will discuss its 1980 agenda which is likely to center around one or more of the following issues: The impact of economic development programs on the structurally unemployed; energy and employment; responding to a recession; equal employment opportunity; and the status of women in the labor market.

Members of the general public or other interested individuals may attend this meeting. Members of the public desiring to submit written statements to the Commission that are germane to the agenda may do so provided such statements are in reproducible form and are submitted to the Director not later than two days before and seven days after the meeting.

Additionally, members of the general public may request to make oral statements to the Commission to the extent that time available for the meeting permits. Such oral statements must be directly germane to the announced agenda items and written publication must be submitted to the Director of the Commission three days before the meeting. This application shall identify the following: The name and address of the applicant, the subject of his or her presentation and its relationship to the agenda; the amount of time requested; the individual's qualifications to speak on the subject matter; and shall include a justifying statement as to why a written presentation will not suffice. The Chairman reserves the right to decide to what extent public oral presentation will be permitted at the meeting. Oral presentations will be limited to statements of facts and views and shall not include any questions of Commission members or other participants unless these questions have been specifically approved by the Chairman.

Minutes of the meeting, working papers, and other documents prepared for the meeting will be available for public inspection ten working days after the conference at the Commission's headquarters located at 1522 K Street, NW, Suite 300, Washington, D.C.

Signed at Washington, D.C., this 8th day of November, 1979.

Isabel V. Sawhill,  
*Director, National Commission for Employment Policy.*

[FR Doc. 79-35440 Filed 11-15-79; 8:45 am]  
BILLING CODE 4510-30-M

## NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

### Special Projects Panel; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), as amended, notice is hereby given that a meeting of the Special Projects Panel to the National Council on the Arts will be held December 6, 1979, from 9:00 a.m.-5:30 p.m. and December 7, 1979, from 9:00 a.m.-5:30 p.m. in Room 1426, Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of March 17, 1977, these sessions will be closed to the public pursuant to subsection (c) (4), (6) and 9(B) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,  
Director, Office of Council and Panel  
Operations, National Endowment for the Arts.  
November 8, 1979.  
[FR Doc. 79-35475 Filed 11-15-79; 8:45 am]  
BILLING CODE 7537-01-M

## NATIONAL COMMISSION ON SOCIAL SECURITY

### Meeting; Discussion of Interim Report

November 8, 1979.

The National Commission on Social Security will hold a public meeting in the Thoroughbred Room of the Washington Hilton, 1919 Connecticut Avenue N.W., Washington, D.C. on December 7, 8, and 9, 1979. The purpose of the meeting is to discuss the Commission's January 1980 Interim Report.

The meeting will begin each day at 9:00 a.m. and continue until Commission business is completed, but no later than 5:00 p.m. The meeting will be open to the public, in accordance with the Federal Advisory Committee Act.

Additional information about the meeting may be obtained from the Commission office:

Room 125-Pension Building, 440 G Street, N.W., Washington, D.C. 20218, Phone: (202) 376-2622.

Francis J. Crowley,  
Executive Director.  
[FR Doc. 79-35474 Filed 11-15-79; 8:45 am]  
BILLING CODE 6820-AC-M

## NUCLEAR REGULATORY COMMISSION

### [NUREG-0553]

Cost and Funding of State and Local Government Radiological Emergency Response Plans; Report of NRC Office of State Programs of Funding of State and Local Government Radiological Emergency Response Plans; Issuance and Availability of Report for Public Comment.

### Correction

On page 64929, in the issue of Thursday, November 8, 1979, make the following corrections:

(1) The agency NUREG number is corrected to read as found in the heading above.

(2) The word "commercial" was misspelled in the following cites: The first column, first paragraph, the seventh line; the same column, the same paragraph, the seventeenth line; and the first column, the second paragraph, the sixth line.

(3) In the last column, the first full paragraph, the second line, correct "Stephens" to read "Stephen".

(4) In bracketed file line, appearing immediately below the signature, "FR Doc. 79-34507" is corrected to read "FR Doc. 79-34597".

BILLING CODE 1505-01-M

### Advisory Committee on Reactor Safeguards; Subcommittee on Reactor Operations; Meeting

The ACRS Subcommittee on Reactor Operations will hold a meeting on December 3, 1979, in Room 1046, 1717 H Street, N.W., Washington, DC 20555 to review the status of various generic items contained in the Committee's March 21, 1979, "Status of Generic Items Relating to Light-Water Reactors: Report No. 7."

In accordance with the procedures outlined in the Federal Register on October 1, 1979, (44 FR 56408), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its

consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows:

*Monday, December 3, 1979, 8:30 a.m. until the conclusion of business.*

The Subcommittee may meet in Executive Session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting and to formulate a report and recommendations to the full Committee.

At the conclusion of the Executive Session, the Subcommittee will hear presentations by and hold discussions with representatives of the NRC Staff, and their consultants, pertinent to this review.

In addition, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring matters involving proprietary information. I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act (Public Law 92-463) that, should such sessions be required, it is necessary to close these sessions to protect proprietary information, see 5 U.S.C. 552b(c)(4).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the Designated Federal Employee for this meeting, Mr. Richard K. Major, (telephone 202/634-1414) between 8:15 a.m. and 5:00 p.m., EST.

Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H Street NW., Washington, DC 20555.

Dated: November 13, 1979.

John C. Hoyle,  
Advisory Committee Management Officer.  
[FR Doc. 79-35416 Filed 11-15-79; 8:45 am]  
BILLING CODE 7590-01-M

[Dockets Nos. 50-352 and 50-353]

### Philadelphia Electric Co.; Correction and Clarifications to Director's Decision Under 10 CFR 2.206

In the matter of Philadelphia Electric Co., Limerick Nuclear Generating Station, Units 1 and 2.

The "Director's Decision Under 10 CFR 2.206" dated October 9, 1979 is amended to reflect the following corrections and clarification:

1. On Page 1, in the twelfth line of the first paragraph replace "April 14, 1978" with "April 14, 1978"

2. The following footnote is added to the bottom of page 1: "Mr. Romano's May 14, 1979 letter makes reference to an April 11, 1979 letter from 'Mr. Karl Kneill' (sic) to Mr. V. Bauer of PECO. MRC files indicate that the only letter Mr. Kneill sent to PECO in April 1978 was the letter dated April 14, 1978 discussed above."

3. The footnote on page 2 is renumbered as footnote 2.

4. On Page 5, in the fifth line, the sentence "PECO's response was submitted on August 1, 1979" is replaced with the following: "PECO's response is anticipated by the first week in November 1979."

5. On Page 6 the sentence, "Based on the reanalysis, PECO found that some of the gaps which would be unacceptable under the original analysis were acceptable; the balance of the insufficient gaps were increased to meet the PSAR commitment." is replaced by: "Based on the reanalysis, PECO found that with the exception of two areas, the constructed gaps met the PSAR commitment. The factor of safety for the two areas was 1.7 and PECO found this to be acceptable. The reanalysis was also used to evaluate gaps that had not been constructed; the gaps which had a safety factor less than 2.0 were increased. The NRC has not completed its review of PECO's final report on the matter of separation gaps."

7. The following sentence replaces the final sentence in the first paragraph on page 6:

"Again our review of PECO's final report on the separation gaps and our review of the FSAR for the Limerick plant must conclude that the design of the plant is acceptable before the plant can go into operation."

Dated at Bethesda, Maryland this 9th day of November 1979.

Harold R. Denton,  
Director, Office of Nuclear Reactor Regulation.

[FR Doc. 79-35417 Filed 11-15-79; 8:45 am]

BILLING CODE 7590-01-M

#### [NUREG-0313, Rev. 1]

#### Technical Report on Material Selection and Processing Guidelines for BWR Coolant Pressure Boundary Piping; Issuance and Availability

A task force with members from the Nuclear Regulatory Commission (NRC)

has prepared a report entitled "Technical Report on Material Selection and Processing Guidelines for BWR Coolant Pressure Boundary Piping" (NUREG-0313, Rev. 1), dated October 1979. This report constitutes the resolution of the NRC's Generic Activity A-42, "Pipe Cracks in Boiling Water Reactors," which was an "Unresolved Safety Issue" pursuant to Section 210 of the Energy Reorganization Act of 1974.

This generic study was initiated because of the recent publication of NUREG-0531, "Investigation and Evaluation of Stress-Corrosion Cracking in Piping of Light Water Reactor Plants," by the NRC 1978 Pipe Crack Study Group (PCSG). The new Study Group was specifically chartered among others to reexamine the conclusions and recommendations of the 1975 PCSG report (NUREG-75/067) in view of cracks recently discovered in large diameter pipes, and to evaluate the significance of safe end cracking at Duane Arnold relative to similar material and design aspects at other facilities. Because of the new ideas and issues addressed in NUREG-0531, the implementation document NUREG-0313, which is based on the 1975 PCSG report, needs to be updated to incorporate the latest recommendations made by the 1978 PCSG.

NUREG-0313, Rev. 1 sets forth the NRC staff's revised acceptable methods to reduce the intergranular stress corrosion cracking susceptibility of BWR ASME Code Class 1 & 2 pressure boundary piping and safe end. For plants that cannot fully comply with the material selection, testing, and processing guidelines of this report, varying degrees of augmented inservice inspection and leak detection requirements are presented.

Public comments are being solicited from interested organizations, groups, and individuals. These comments will have bearing on final Commission action, particularly with regard to implementation.

Copies of the report will be available after October 1979. Copies will be sent directly to utilities, utility industry groups and associations, and environmental and public interest groups. Other copies will be available for review at the NRC Public Document Room, 1717 H Street, NW, Washington, D.C. and the Commission's local public document room located in the vicinity of existing nuclear power plants. Addresses of these local public document rooms can be obtained by contacting the Chief, Local Public Document Room Branch, Mail Stop 309, Nuclear Regulatory Commission, Washington, D.C. 20555, telephone (301)

492-7356. A single copy of NUREG-0313, Rev. 1 will be provided free of charge, while the supply lasts, upon written request of a full participant in an ongoing NRC proceeding. This request must identify the requester as a participant and should be addressed to Director, Division of Technical Information and Document Control, Nuclear Regulatory Commission, Washington, D.C. 20555.

Comments should be forwarded to Dr. Stephen H. Hanauer, Director, Unresolved Safety Issues Program, Nuclear Regulatory Commission, Washington, D.C. 20555.

Dated at Bethesda, Maryland, this 17th day of October 1979.

For the Regulatory Commission,  
Darrell G. Elsenhut,  
Acting Director, Division of Operating Reactors, Office of Nuclear Reactor Regulation.

[FR Doc. 79-35419 Filed 11-15-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-259, 50-260 and 50-296]

#### Tennessee Valley Authority; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 54 to Facility Operating License No. DPR-33, Amendment No. 49 to Facility Operating License No. DPR-52 and Amendment No. 26 to Facility Operating License No. DPR-68 issued to Tennessee Valley Authority (the licensee), for operation of the Browns Ferry Nuclear Plant, Units Nos. 1, 2 and 3, located in Limestone County, Alabama. The amendments are effective as of the date of issuance.

The amendments change the Technical Specifications to increase the high drywell pressure trip level setting from 2.0 psig to 2.5 psig to reduce the likelihood of unnecessary reactor trip and ECCS initiation signals.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant

to 10 CFR Section 51.5(d)(4) an environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated August 27, 1979, (2) Amendment No. 54 to License No. DPR-33, Amendment No. 49 to License No. DPR-52, and Amendment No. 26 to License No. DPR-68, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Athens Public Library, South and Forrest, Athens, Alabama 35611. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 9th day of November 1979.

For the Nuclear Regulatory Commission.  
Thomas A. Ippolito,  
Chief, Operating Reactors Branch #3,  
Division of Operating Reactors.

[FR Doc. 79-35418 Filed 11-15-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-134]

#### **Worcester Polytechnic Institute; Proposed Renewal of Facility License**

The United States Nuclear Regulatory Commission (the Commission) is considering renewal of Facility License No. R-61, issued to Worcester Polytechnic Institute (the licensee), for operation of the pool-type research reactor located on the licensee's campus at Worcester, Massachusetts.

The renewal would extend the expiration date of Facility License No. R-61 to November 23, 1999, in accordance with the licensee's timely application for renewal dated July 16, 1979, as supplemented September 27, 1979.

Prior to renewal of the license, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By December 17, 1979, the licensee may file a request for a hearing with respect to renewal of the subject facility license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of

Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the renewal action under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with

the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, or may be delivered to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. By the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 324-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Robert W. Reid: (petitioner's name and telephone number); (date petition was mailed); (Worcester); and (publication date and page number of this Federal Register notice). A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for renewal dated July 16, 1979, as supplemented September 27, 1979, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C.

Dated at Bethesda, Maryland this 7th day of November, 1979.

For the Nuclear Regulatory Commission.  
Morton B. Fairtile,  
Acting Chief, Operating Reactors Branch #4,  
Division of Operating Reactors.  
[FR Doc. 79-35249 Filed 11-15-79; 8:45 am]  
BILLING CODE 7590-01-M

#### **THE PRESIDENT'S MANAGEMENT IMPROVEMENT COUNCIL**

##### **Management Improvement Projects; Council Meeting**

**AGENCY:** The President's Management Improvement Council.

**ACTION:** Notice of Meeting.

**SUMMARY:** The purpose of this notice is to announce a meeting of the President's Management Improvement Council, as required by the Federal Advisory Committee Act.

**DATE, TIME, AND PLACE:** December 3, 1979, 10:00 a.m., 6th Floor Board Room, Federal Home Loan Bank Board, 17th and G Streets, N.W., Washington, D.C.

**SUPPLEMENTARY INFORMATION:** The Council will devote most of the meeting to a review and discussion of management improvement projects that it has undertaken in Federal agencies and programs and additional projects and activities that have been proposed for its consideration.

**ADDRESS:** Members of the public are invited to submit material in writing to the Executive Director of the Council concerning specific management improvement matters felt to be deserving of the Council's attention. Material should be addressed to: Executive Director, the President's Management Improvement Council, Room 5315, 1900 E Street, N.W., Washington, D.C. 20415.

**FOR FURTHER INFORMATION CONTACT:** Jon Bellis 202-632-6104.

The President's Management Improvement Council.

Charles F. Bingman,  
*Executive Director.*

November 13, 1979.

[FR Doc. 79-35371 Filed 11-15-79; 8:45 am]

BILLING CODE 6325-01-M

## RAILROAD RETIREMENT BOARD

### Proclamation Regarding Railroad Unemployment Insurance Account

Pursuant to section 8(a) of the Railroad Unemployment Insurance Act, the Railroad Retirement Board has determined, and hereby proclaims, that the balance to the credit of the railroad unemployment insurance account as of the close of business September 30, 1979, was \$113,690,614.02. Based on this balance and pursuant to the table in section 8(a) of the finance the railroad unemployment insurance program for calendar year 1980 shall be 5.5 percent.

In Witness Whereof the members of the Railroad Retirement Board have hereunto set their hands and caused its seal to be affixed.

Done at Chicago, Illinois, this 8th day of November, 1979.

William P. Adams,  
*Chairman.*

Earl Oliver,  
*Member.*

C. J. Chamberlain,  
*Member.*

By the Railroad Retirement Board:

R. F. Butler,  
*Secretary of the Board.*

[FR Doc. 79-35311 Filed 11-15-79; 8:45 am]

BILLING CODE 7905-01-M

## DEPARTMENT OF STATE

[CM-8/245]

### Advisory Committee on International Intellectual Property; Meeting

The International Industrial Property Panel of the Department of State's Advisory Committee on International Intellectual Property will meet in open session on December 4, 1979, at the Department of State in Conference Room 1205 from 9:30 a.m. to 3:30 p.m.

The meeting will be open to the general public and will be divided into two sessions. The first session from 9:30 a.m. until 1:00 p.m. will be devoted to the following topics:

1. The September 1979 meeting of the WIPO Governing Bodies;
2. Revision of the Paris Industrial Property Convention.

The afternoon session from 2:00 p.m. to 3:30 p.m. will review other multilateral negotiations related to industrial property.

The public attending may, as time permits and subject to the instructions of the Chairman, participate in the discussions or may submit their views in writing to the Chairman prior to or at the meeting for later consideration by the Committee.

Members of the public who plan to attend the meeting will be admitted up to the limits of the conference room's capacity. Entrance to the Department of State is controlled and entry will be facilitated if arrangements are made in advance of the meeting. Members of the general public who plan to attend the meeting are requested to provide their name, affiliation, and address to Mr. Steven Brattain, Office of Business Practices, Department of State, telephone (202) 632-0889 prior to November 30, 1979. All non-government attendees at the meeting should use the C Street Entrance to the Building.

Dated: November 8, 1979.

Harvey J. Winter,  
*Executive Secretary.*

[FR Doc. 79-35315 Filed 11-15-79; 8:45 am]

BILLING CODE 4710-07-M

[CM-8/244]

### Study Group 5 of the U.S. Organization for the International Radio Consultative Committee (CCIR); Meeting

The Department of State announces that Study Group 5 of the U.S. Organization for the International Radio Consultative Committee (CCIR) will meet on December 7, 1979 from 9:30 a.m. until 3:30 p.m., in the Forum Room of the National Telecommunications and Information Administration, 1325 G Street, N.W., Washington, D.C.

Study Group 5 deals with propagation of radio waves (including radio noise) at the surface of the earth, through the non-ionized regions of the earth's atmosphere, and in space where the effect of ionization is negligible. The purpose of the meeting will be a review of preparations for the international meeting of Study Group 5 in 1980.

Members of the general public may attend the meeting and join in the discussions subject to the instructions of the Chairman. Requests for further information should be directed to Mr. Gordon Huffcutt, State Department, Washington, D.C. 20520, telephone (202) 632-2592.

Dated: November 8, 1979.

Gordon L. Huffcutt,  
*Chairman, U.S. CCIR National Committee.*

[FR Doc. 79-35314 Filed 11-15-79; 8:45 am]

BILLING CODE 4710-07-M

## VETERANS ADMINISTRATION

### Replacement Medical Center; Portland, Oreg.; Availability of Final Environmental Impact Statement

Notice is hereby given that a document entitled "Final Environmental Impact Statement for the Veterans Administration Replacement Medical Center, Portland, Oregon," dated November 1979 has been prepared as required by the National Environmental Policy Act of 1969.

The two viable alternate locations for the Medical Center at the present 25 acre Portland VA Medical Center site and the Emanuel site, and 18 acre parcel adjacent to the Emanuel Hospital, Portland, Oregon. The Medical Center will have 600 hospital beds and the necessary outpatient and support functions. The facility will replace the



outmoded veterans Administration Medical center on TERWILLIGER Boulevard, Portland, Oregon.

The Draft Statement discussed the environmental impact of the Replacement Medical Center for the viable alternatives including "No Action". The Final Statement contains comments received by the Veterans Administration during the public review period plus at the Public Hearing on July 21, 1979. The Final Statement also contains appropriate responses to the comments. The Final Statement is being placed for public examination at the Veterans Administration, Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, Director, Office of Environmental Affairs (004A), Room 1018, Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420, (202-389-2526). Questions or requests for single copies of the Final Environmental Impact Statement may be addressed to the above office.

Dated: November 9, 1979,

By direction of the Administration.

Maury S. Cralle, Jr.,

Assistant Deputy Administrator for Financial Management and Construction.

[FR Doc. 79-35404 Filed 11-15-79; 8:45 am]

BILLING CODE 8320-01-M

## INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 241; Rule 19; 73rd Revised Exemption No. 90]

### Aberdeen & Rockfish Railroad Co., et al.; Exemption Under Mandatory Car Service Rules

*It appearing,* That the railroads named below own numerous 50-ft. plain boxcars; that under present conditions there are substantial surpluses of these cars on their lines; that return of these cars to the owners would result in their being stored idle; that such cars be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of these cars, resulting in unnecessary loss of utilization of such cars.

*It is ordered,* That pursuant to the authority vested in me by Car Service Rule 19, 50-ft. plain boxcars described in the Official Railway Equipment Register, ICC RER 6410-B, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM," and bearing reporting marks assigned to the railroads named below, shall be exempt

from provisions of Car Service Rules 1, 2(a) and 2(b).

Aberdeen and Rockfish Railroad Company Reporting Marks: AR  
Ann Arbor Railroad System, Michigan Interstate Railway Company, Operator Reporting Marks: AA  
Apalachicola Northern Railroad Company Reporting Marks: AN  
Atlanta & Saint Andrews Bay Railway Company Reporting Marks: ASAB  
Bath and Hammondsport Railroad Company Reporting Marks: BH  
Cadiz Railroad Company Reporting Marks: CAD  
Camino, Placerville & Lake Tahoe Railroad Company Reporting Marks: CPLT  
City of Prineville Reporting Marks: COP  
The Clarendon and Pittsford Railroad Company Reporting Marks: CLP  
Columbus and Greenville Railway Company Reporting Marks: CAGY  
Delta Valley & Southern Railway Company Reporting Marks: DVS  
\*Detroit, Toledo and Ironton Railroad Company Reporting Marks: DT&I-DTI  
Duluth, Missabe and Iron Range Railway Company Reporting Marks: DMIR  
East Camden & Highland Railroad Company Reporting Marks: EACH  
East St. Louis Junction Railroad Company Reporting Marks: ESLJ  
Galveston Wharves Reporting Marks: GWF  
Genesee and Wyoming Railway Company Reporting Marks: GNWR  
Greenville and Northern Railway Company Reporting Marks: GRN  
The Hutchinson and Northern Railway Company Reporting Marks: HN  
Helena Southwestern Railroad Company Reporting Marks: HSW  
Illinois Terminal Railroad Company Reporting Marks: ITC  
Indiana Eastern Railroad and Transportation, Inc. D/B/A The Hoosier Connection Reporting Marks: HOSC  
Lake Erie, Franklin & Clarion Railroad Company Reporting Marks: LEF  
Lake Superior & Ishpeming Railroad Company Reporting Marks: LSI  
Lenawee County Railroad Company, Inc. Reporting Marks: LCRC  
Longview, Portland & Northern Railway Company Reporting Marks: LPN  
Louisiana Midland Railway Company Reporting Marks: LOAM  
Louisville and Wadley Railway Company Reporting Marks: LW  
Louisville, New Albany & Corydon Railroad Company Reporting Marks: LNAC  
Manufacturers Railway Company Reporting Marks: MRS  
Maryland and Delaware Railroad Company Reporting Marks: MDDE  
McCloud River Railroad Company Reporting Marks: MR  
Middletown and New Jersey Railway Company, Inc. Reporting Marks: MNJ  
Missouri-Kansas-Texas Railroad Company Reporting Marks: MKT-BKTY  
Moscow, Camden & San Augustine Railroad Reporting Marks: MCSA  
New Hope and Ivyland Railroad Company Reporting Marks: NHR

\*Addition.

New Orleans Public Belt Railroad Reporting Marks: NOPB  
New York, Susquehanna and Western Railroad Company Reporting Marks: NYSW  
Oclararo Railway, Inc. Reporting Marks: OCTR  
Oregon & Northwestern Railroad Co. Reporting Marks: ONW  
Pearl River Valley Railroad Company Reporting Marks: PRV  
Peninsula Terminal Company Reporting Marks: PT  
Port Huron and Detroit Railroad Company Reporting Marks: PHD  
Port of Tillamook Bay Railroad Reporting Marks: POTB  
Providence And Worcester Company Reporting Marks: PW  
Raritan River Rail Road Company Reporting Marks: RR  
St. Lawrence Railroad Reporting Marks: NSL  
St. Louis Southwestern Railway Company Reporting Marks: SSW  
St. Marys Railroad Company Reporting Marks: SM  
Savannah State Docks Railroad Company Reporting Marks: SSDK  
Sierra Railroad Company Reporting Marks: SERA  
Southern Pacific Transportation Company Reporting Marks: SP  
Terminal Railway, Alabama State Docks Reporting Marks: T ASD  
The Texas Mexican Railway Company Reporting Marks: TM  
Toledo, Peoria & Western Railroad Company Reporting Marks: TPW  
Union Railroad of Oregon Reporting Marks: UO  
Vermont Railway, Inc. Reporting Marks: VTR  
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Wabash Valley Railroad Company Reporting Marks: WVRW  
WCTU Railway Company Reporting Marks: WCTR  
Youngstown & Southern Railway Company Reporting Marks: YS  
Yreka Western Railroad Company Reporting Marks: YW

*Effective November 1, 1979, and continuing in effect until further order of this Commission.*

Issued at Washington, D.C., October 29, 1979.

Interstate Commerce Commission.

Joel E. Burns,  
Agent.

[FR Doc. 79-35412 Filed 11-15-79; 8:45 am]

BILLING CODE 7035-01-M

[I.C.C. Order No. 56 Under Service Order No. 1344]

Chicago, Milwaukee, St. Paul & Pacific Railroad Co.; Rerouting Traffic

To: All Railroads—In the opinion of Joel E. Burns, Agent, the Chicago, Milwaukee, St. Paul and Pacific Railroad Company is unable to transport

\*\*\*Virginia & Maryland Railroad deleted.

promptly all traffic offered for movement via its lines, because of an embargo of a substantial portion of its line.

*It is ordered, (a) Rerouting traffic.* The Chicago, Milwaukee, St. Paul and Pacific Railroad Company, being unable to transport promptly all traffic offered for movement via its lines, because of an embargo of a substantial portion of its lines that line and its connections are authorized to divert or reroute such traffic via any available route to expedite the movement. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

*(b) Acceptance of traffic in interchange.* In the event the Chicago, Milwaukee, St. Paul and Pacific Railroad Company cannot accept traffic in interchange from a connecting carrier, the delivering carrier, after establishing such condition, may reroute or divert the traffic via any available route.

*(c) Concurrence of receiving roads to be obtained.* The railroad rerouting cars in accordance with this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

*(d) Notification to shippers.* Each carrier rerouting cars in accordance with this order, shall notify each shipper at the time each shipment is rerouted or diverted and shall furnish to such shipper the new routing provided for under this order.

*(e) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates which were applicable to traffic diverted or rerouted by said Agent shall be the rates applicable at the time of shipment on the shipments as originally routed.*

*(f) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.*

*(g) Effective date.* This order shall become effective at 10:00 a.m., November 1, 1979.

*(h) Expiration.* This order shall remain in effect until modified or vacated by order of this Commission.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of this order shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 1, 1979.

Interstate Commerce Commission.

Joel E. Burns,

Agent.

[FR Doc. 79-35415 Filed 11-15-79; 8:45 a.m.]

BILLING CODE 7035-01-M

#### Fourth Section Applications for Relief

November 9, 1979.

These applications for long-and-short-haul relief have been filed with the I.C.C.

Protests are due at the I.C.C. on or before December 3, 1979.

FSA No. 43765, Trans Freight Lines, Inc., No. 1, intermodal rates on general commodities, in containers, between ports in Europe, The United Kingdom, and South Africa, on the one hand, and on the other, rail terminals on the United States Gulf and Pacific Coasts, by way of interchange points on the United States Atlantic Coast, in its Tariffs ICC TFEI 301 and 302, which became effective July 15, 1979. Grounds for relief—water competition.

FSA No. 43767, Southwestern Freight Bureau, Agent's No. B-36, rates on cement and related articles, in carloads, from TXI, Tex., to stations in Eastern, Southern, and Southwestern Territories, in Supps. 148 and 6 to its Tariffs ICC SWFB 4740 and 4741-A, respectively, effective December 11, 1979. Grounds for relief—market competition.

FSA No. 43768, Southwestern Freight Bureau, Agent's No. B-37, rates on empty shipping containers, carload, between stations in Southwestern and Southern Territory, in Supp. 260 to its Tariff ICC SWFB 2007-H, to become effective December 13, 1979. Grounds for relief—need for additional revenue.

By the Commission.  
Agatha L. Mergenovich,  
Secretary.

[FR Doc. 79-35409 Filed 11-15-79; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 28986 (Sub-No. 1F)]

#### Norfolk & Western Railway Co.— Construction and Operation in Martin County, Ky., and Mingo County, W. Va.

Norfolk and Western Railway Company (NW), 8 North Jefferson Street, Roanoke, Va. 24042, represented by John S. Shannon, Vice President-Law, Norfolk and Western Railway Company, Roanoke, Va. 24042, hereby give notice that on the 2nd day of November, 1979, it filed with the Interstate Commerce Commission at Washington, DC, an application pursuant to 49 U.S.C. 10901 for a decision approving and authorizing the construction and operation by applicant of 1,285 feet of connecting track and bridge on its Wolf Creek Branch in Martin County, Ky., and Mingo County, W. Va.

Applicant proposes to construct and operate a section of line 1,285 feet in length, including a bridge 405 feet in length, which will constitute a westward switch connection from applicant's Wolf Creek Branch to its main line. The route and termini of the proposed new line are as follows: Beginning at the point of switch connection of the proposed new section with the Wolf Creek Branch of the Kenova District, Scioto Division of the Norfolk and Western Railway Company, said point being on the west side of the Tug Fork of the Big Sandy River in Martin County, Ky., at milepost WC-0.23 as measured from the junction of the existing Wolf Creek Branch connection with the main line of the Kenova District; thence in a general northeasterly direction, crossing said Tug Fork of the Big Sandy River, at the point of confluence of Wolf Creek, for a distance of 1,285 feet, at which point the proposed section will connect to the existing main line of the Kenova District by means of a switch connection, said point being on the east side of the Tug Fork of the Big Sandy River in Mingo County, W. Va., at milepost Na-4.25 as measured from Naugatuck, W. Va.

The total number of miles of track proposed to be constructed and operated is 0.24 miles, all of which will constitute a westward switch connection from applicant's Wolf Creek Branch to its main line.

In accordance with the Commission's regulations (49 CFR 1108.8) in Ex Parte No. 55 (Sub-No. 4), *Implementation—National Environmental Policy Act, 1969*, 352 I.C.C. 451 (1976), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall indicate with

specific data the exact nature and degree of the anticipated impact. See *Implementation—National Environmental Policy Act, 1969, supra* at p. 487.

Pursuant to the provisions of the Interstate Commerce Act, as amended, the proceeding will be handled without public hearings unless comments in support or opposition on such application are filed with the Secretary, Interstate Commerce Commission, 12th and Constitution Avenue, N.W., Washington, DC 20423, and the aforementioned counsel for applicant, within 30 days after date of first publication in a newspaper of general circulation. Any interested person is entitled to recommend to the Commission that it approve, disapprove, or take any other specified action with respect to such application.

Agatha L. Mergenovich,  
Secretary.

[FR Doc. 79-35410 Filed 11-15-79; 8:45 am]

BILLING CODE 7035-01-M

**[I.C.C. Order No. 55 Under Service Order No. 1344]**

**Michigan Northern Railway Co., Inc.;  
Rerouting Traffic**

To: All Railroads—In the opinion of Robert S. Turkington, Agent, the Michigan Northern Railway Company, Incorporated is unable to transport promptly all traffic offered for movement between Walton Junction, Michigan, and Traverse City, Michigan, because of track conditions.

It is ordered, (a) *Rerouting traffic.* The Michigan Northern Railway Company, Incorporated being unable to transport promptly all traffic offered for movement between Walton Junction, Michigan, and Traverse City, Michigan, because of track conditions, that line and its connections are authorized to divert or reroute such traffic via any available route to expedite the movement. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing. The billing covering all such cars rerouted shall carry a reference to the order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad rerouting cars in accordance with this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order, shall notify each shipper at

the time each shipment is rerouted or diverted and shall furnish to such shipper the new routing provided for under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 2:00 p.m., October 26, 1979.

(g) *Expiration date.* This order shall expire at 11:59 p.m., January 31, 1980, unless otherwise modified, changed or suspended.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of this order shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 26, 1979.

Interstate Commerce Commission.

Robert S. Turkington,  
Agent.

[FR Doc. 79-35413 Filed 11-15-79; 8:45 am]

BILLING CODE 7035-01-M

**[Volume No. 203]**

**Permanent Authority Decisions;  
Decision-Notice**

Decided: October 24, 1979.

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days

after the date notice of the application is published in the Federal Register. Protests (such as were allowed to filings prior to March 1, 1979) *will be rejected*. A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(1) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, including the extent, if any, to which petitioner (a) has solicited the traffic or business of those supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. The Commission will also consider (a) the nature and extent of the property, financial, or other interest of the petitioner, (b) the effect of the decision which may be rendered upon petitioner's interest, (c) the availability of other means by which the petitioner's interest might be protected, (d) the extent to which petitioner's interest will be represented by other parties, (e) the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and (f) the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rule may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission indicating the specific rule under which the petition to intervene is being filed, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides, in part, that an applicant which does not intend to timely prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If an applicant has introduced rates as an issue it is noted. Upon request, an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication* (November 16, 1979).

Any authority granted may reflect administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

#### Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. § 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. § 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. § 10930(a) [formerly section 210 of the Interstate Commerce Act.]

In the absence of legally sufficient petitions for intervention, filed on or before December 19, 1979 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly

noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the following decision-notices on or before December 19, 1979, or the application shall stand denied.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill. Member Hill not participating.  
Agatha L. Mergenovich,  
Secretary.

Note.—All applications are for authority to operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, except as otherwise noted.

MC 6096 (Sub-5F), filed April 16, 1979. Applicant: BRUNO ALBERT MALUCCHI d.b.a. A. M. DEVINCENZI CO., 1598 Carroll Avenue, San Francisco, CA 94124. Representative: John Paul Fischer, 256 Montgomery Street, San Francisco, CA 94104. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Modesto, CA and junction CA Hwy 99 and CA Hwy 198, over CA Hwy 99, (2) between CA Hwy 99 and junction interstate Hwy 5 and Interstate Hwy 205, over Interstate Hwy 5, (3) between junction Interstate Hwy 5 and CA Hwy 198 and Salinas, CA; from junction Interstate Hwy 5 and CA Hwy 198 over CA Hwy 198 to U.S. Hwy 101, then over U.S. Hwy 101 to Salinas, and return over the same route, (5) between Sacramento, CA, and Placerville, CA, over U.S. Hwy 50, (6) between Placerville, CA, and junction CA Hwy 49 and Interstate Hwy 80, over CA Hwy 49, (7) between Sacramento, CA, and Yuba City, CA, over CA Hwy 99, (8) between Yuba City, CA, and Marysville, CA, over CA Hwy 20, (9) between Marysville, CA, and junction CA Hwy 65 and Interstate Hwy 80 at or near Roseville, CA, over CA Hwy 65, (10) between Sacramento, CA, and junction Interstate Hwy 80 and CA Hwy 174 at or near Colfax, over Interstate Hwy 80, (11) between junction Interstate Hwy 80 and CA Hwy 49, and Grass Valley, CA, over CA Hwy 49, (12) between Grass Valley, CA, and junction CA Hwy 174 and Interstate Hwy 80 at or

near Colfax, CA, over CA Hwy 174, (13) between Santa Rosa, CA, and Cloverdale, CA, over U.S. Hwy 101, and (14) between junction U.S. Hwy 101 and CA Hwy 128 at or near Geyserville, CA, and Napa, CA; from junction U.S. Hwy 101 and CA Hwy 128 at or near Geyserville over CA Hwy 128 to Calistoga, CA, then over CA Hwy 29 to Napa, and return over the same route, serving all intermediate points in (1) through (14) and the off route points in Monterey, San Benito, Merced, Kings, Stanislaus, San Joaquin, Sacramento, Eldorado, Placer, Nevada, Sutter, Yolo, Colusa, Napa, Yuba, Solano and Sonoma Counties, CA, and those points in Fresno, CA, west of an unnumbered Hwy beginning at the Madera County line north of Auberry, CA, then over unnumbered Hwys via Tollhouse, Trimmer, Dunlap, and Miramonte to the Tulare County line, those in Tulare County, CA, west of the General Grant Grove section of Kings Canyon National Park, Sequoia National Park, and the Kern River, and those in Madera County, CA, west of CA Hwy 41 beginning at the Mariposa County line at or near Yosemite Forks, CA to junction of unnumbered Hwy west of O'Neals, then over unnumbered Hwy to North Fork, and then over unnumbered Hwy to the Fresno County line at or near Auberry, CA. (Hearing site: San Francisco, CA)

Note.—Applicant indicates its intention to tack with existing authority.

MC 6557 (Sub-5F), filed April 30, 1979. Applicant: PARK MOTOR CARRIER, INC., 232 Dey Street, Jersey City, NJ 07308. Representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. Transporting *musical instruments, books, and clothing*, from New York, NY, to points in CT, NJ, NY, and those points in PA on and east of a line beginning at the MD-PA State line then over PA Hwy 34 to junction U.S. Hwy 15, then over U.S. Hwy 15 to the PA-NY State line, restricted to the transportation of import traffic originating at the named origin. (Hearing site: New York)

MC 2186 Sub 120F, filed May 11, 1979. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Avenue, Boyertown, PA 19512. Representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19102. Transporting *fertilizer* (except in bulk), from the facilities of Wegro Division of Old Fort Industries, Inc., at Grand Rapids, OH, to points in CT, IL, IN, KY, MA, ME, MI, MO, NC, NH, RI, SC, TN, VT, and WI. (Hearing site: Washington, DC, or Philadelphia, PA)

MC 29886 (Sub-366F), filed May 18, 1979. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4314 39th Avenue, Kenosha, WI 53142. Representative: Paul F. Sullivan, 711 Washington, Building, Washington, DC 20005. Transporting (1) *construction and earth moving equipment*, and (2) *parts, accessories, and attachments* for the commodities named in (1) above, from Toccoa, GA, to points in CT, DE, IL, IN, IA, KY, ME, MD, MA, MI, MN, MO, NH, NJ, NY, OH, PA, RI, TN, VT, VA, WV, and WI. (Hearing site: Washington, DC, or Atlanta, GA)

MC 31367 (Sub-36F), filed May 11, 1979. Applicant: H. F. CAMPBELL & SON, INC., P.O. Box 260, Millerstown, PA 17062. Representative: John M. Musselman, 410 North Third Street, Harrisburg, PA 17108. Transporting *such commodities* as are dealt in by chain grocery and food business houses (except commodities in bulk), in vehicles equipped with mechanical refrigeration, between points in GA, IL, IN, MA, MI, NC, NY, OH, PA, and VA, restricted to the transportation of traffic originating at or destined to the facilities of Kraft, Inc. (Hearing site: Washington, DC, or Chicago, IL).

MC 41406 (Sub-143F), filed May 14, 1979. Applicant: ARTIM TRANSPORTATION SYSTEMS, INC., 7105 Kennedy Ave., Hammond, IN 46323. Representative: Wade H. Bourdon (Same address as applicant). Transporting (1) *such commodities* as are dealt in or used by manufacturers and dealers of agricultural equipment and machinery, industrial equipment and machinery, and lawn and leisure products (except commodities in bulk), and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk) (a) between the facilities of Deere & Company, Plow Planter Works, at points in Rock Island County, IL, and the facilities of Deere & Company, at points in Dodge County, WI, on the one hand, and, on the other, points in CT, DE, KY, ME, MD, MA, MI, NH, NJ, NY, OH, PA, RI, VT, VA, and WV, (b) between the facilities of Deere & Company, at points in Dodge County, WI, on the one hand, and, on the other, points in IN, and (c) between points in CT, DE, IN, KY, ME, MD, MA, MI, NH, NJ, OH, PA, RI, VT, VA, and WV, restricted to the transportation of traffic originating at or destined to the facilities of Deere & Company in the above named counties, and restricted in part (c) to traffic originating at or destined to the facilities of Deere & Company dealers. (Hearing site: Chicago, IL, or St. Paul, MN)

MC 42146 (Sub-23F), filed May 11, 1979. Applicant: A. G. BOONE CO., a corporation, 1812 W. Morehead Street, Charlotte, NC 28208. Representative: Floyd C. Hartsell (same address as applicant). To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by grocery and food business houses, between points in Hamilton County, OH, NC, SC, GA, VA, TN, KY, and WV, under continuing contract(s) with The Kroger Company of Cincinnati, OH. (Hearing site: Charlotte, NC, or Atlanta, GA)

MC 42487 (Sub-910F), filed April 30, 1979. Applicant: CONSOLIDATED FREIGHTWAYS CORP. OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Lansing, MI, and Muskegon, MI; from Lansing over Business Interstate Hwy 96 to junction Interstate Hwy 96, then over Interstate Hwy 96 to junction Business Interstate Hwy 96 at or near Muskegon Heights, MI, then over Business Interstate Hwy 96 to Muskegon, and return over the same route, serving the intermediate point of Grand Rapids, MI, (2) between Battle Creek, MI, and Muskegon, MI; from Battle Creek over MI Hwy 89 to Allegan, MI, then over MI Hwy 40 to Holland, MI, then over U.S. Hwy 31 to Muskegon, and return over the same route, serving the intermediate points of Holland and Grand Haven, MI, (3) between Kalamazoo, MI, and Grand Rapids, MI, over U.S. Hwy 131, (4) between Grand Rapids, MI, and Holland, MI; from Grand Rapids over Interstate Hwy 196 to junction Business Interstate Hwy 196, then over Business Interstate Hwy 196 to Holland, and return over the same route, (5) between junction U.S. Hwy 20 and Interstate Hwy 94 at or near Michigan City, IN, and Holland, MI; from junction U.S. Hwy 20 and Interstate Hwy 94 at or near Michigan City over Interstate Hwy 94 to junction Interstate Hwy 196, then over Interstate Hwy 196 to junction Business Interstate Hwy 196, then over Business Interstate Hwy 196 to Holland, and return over the same route, and (6) between Battle Creek, MI, and Grand Rapids, MI, over MI Hwy 37, serving all intermediate and off-route points in

connection with routes (1)-(6) in Allegan, Barry, Ionia, Kent, Montcalm, Muskegon, Mewaygo, Oceana, and Ottawa Counties, MI. (Hearing site: Grand Rapids or Lansing, MI)

Note.—Applicant indicates intention to tack this authority with existing authority.

MC 42487 (Sub-911F), filed April 29, 1979. Applicant: CONSOLIDATED FREIGHTWAYS CORP. OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Lake Charles and Leesville, LA, over U.S. Hwy 171, serving the intermediate point of De Ridgde, LA, and the off-route point of Fort Polk, LA, in connection with applicants authorized regular route operations. (Hearing site: De Ridder or Lake Charles, LA)

Note.—Applicant indicates intention to tack with existing authority.

MC 42487 (Sub-919F), filed May 17, 1979. Applicant: CONSOLIDATED FREIGHTWAYS CORP. OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Representative: H. P. Strong, P.O. Box 3062, Portland, OR 97028. Transporting *general commodities* (except those of unusual value, classes A and B explosives, green hides, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Firestone Steel Products Co., Division of Firestone Tire and Rubber Co., at Henderson, KY, as an off-route point in connection with applicant's otherwise authorized regular-route operations. (Hearing site: Akron, OH)

MC 59367 (Sub-141F), filed April 9, 1979. Applicant: DECKER TRUCK LINE, INC., P.O. Box 915, Fort Dodge, IA 50501. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Transporting *Such commodities* as are dealt in or used by manufacturers and distributors of paper and paper products, (except commodities in bulk), (1) from points in WI to points in AZ, CA, CO, IL, IA, KS, MO, NE, OR, SD, and WA, and (2) from points in WA to points in IL, IA, MN, NE, and WI. (Hearing site: Milwaukee, WI, or Chicago, IL)

MC 59806 (Sub-15F), filed April 30, 1979. Applicant: GROSS & HECHT



TRUCKING, INC., 35 Brunswick Avenue, Edison, NJ 08817. Representative: Michael R. Werner, 187 Fairfield Road, P.O. Box 1409, Fairfield, NJ 07006. To operate as a contract carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by grocery and food business houses, (except commodities in bulk), from points in ME, NH, MA, VT, CT, RI, NY, PA, MD, VA, and DC to Secaucus, NJ, under continuing contract(s) with White Rose Frozen Food Corporation of Secaucus, NJ. (Hearing site: New York, NY)

MC 59957 (Sub-8F), filed May 14, 1979. Applicant: MOTOR FREIGHT EXPRESS, a corporation, P.O. Box 1029, York, PA 17405. Representative: Walter M. F. Neugebauer (same address as applicant). Transporting *iron and steel articles*, serving the facilities of Franklin Steel Company at or near Franklin, PA, as an off-route point in connection with carrier's authorized regular-route operations. (Hearing site: Youngstown, OH, or Pittsburgh, PA)

MC 63417 (Sub-210F), filed May 11, 1979. Applicant: BLUE RIDGE TRANSFER, CO., INC., P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain, (same address as applicant). Transporting *chemicals*, (except in bulk), from Delisle, MS, to points in AL, DE, FL, GA, IL, IN, KY, LA, MD, MI, MS, NJ, NY, NC, OH, PA, SC, TN, TX, VA, WV, and DC. (Hearing site: Roanoke, VA or Washington, DC)

MC 69118 (Sub-238F), filed May 17, 1979. Applicant: SPECTOR INDUSTRIES, INC., d.b.a. SPECTOR FREIGHT SYSTEMS, 1050 Kingery Highway, Bensenville, IL 60106. Representative: Joel H. Steiner, 39 South LaSalle Street, Chicago, IL 60603. Transporting (1) *such commodities* as are dealt in or used by manufacturers and dealers of agricultural equipment and machinery, industrial equipment and machinery, and lawn and leisure products (except commodities in bulk), and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities described in part (1) above, (except commodities in bulk), (a) between the facilities of Deere & Company, in Dodge County, WI, on the one hand, and, on the other, points in CT, DE, GA, IN, KY, ME, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, SC, VA, VT, and WV, restricted to the transportation of traffic originating at or destined to the facilities of Deere & Company, in Dodge County, WI, and (b) between points in CT, GA, DE, IN, KY, ME, MD, MA, MI, NH, NJ,

NY, NC, OH, PA, RI, SC, VA, VT, and WV, restricted to the transportation of traffic originating at or destined to the facilities of Deere & Company dealers. (Hearing site: Chicago, IL, St. Paul, MN.)

MC 102616 (Sub-991F), filed April 5, 1979. Applicant: COASTAL TANK LINES, INC., 250 North Cleveland-Massillon Road, Akron, OH 44313. Representative: David F. McAllister (same address as applicant). Transporting *petroleum and petroleum products, petrochemicals, and chemicals*, in bulk, between the facilities of Ashland Oil, Inc., at points in Boyd County, KY, Lawrence County, OH, and Wayne County, WV, on the one hand, and on the other, those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Louisville, KY, or Washington, DC.)

MC 105566 (Sub-191F), filed May 11, 1979. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1120, Cape Girardeau, MO 63701. Representative: Thomas F. Kilroy, Suite 406 Executive Building, 6901 Old Keene Mill Road, Springfield, VA 22150. Transporting *such commodities* as are dealt in or used by manufacturers, converters, and distributors of (1) paper and paper products, (2) cellulose and synthetic materials and products, and (3) consumer, service, and specialty products, (except commodities in bulk), between the facilities of Kimberly-Clark Corporation at or near Corinth, MS, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to transportation of traffic originating at or destined to the facilities of Kimberly-Clark Corporation at or near Corinth, MS. (Hearing site: Washington, DC.)

MC 105457 (Sub-97F), filed May 17, 1979. Applicant: THURSTON MOTOR LINES, INC., 600 Johnston Rd., P.O. Box 10638, Charlotte, NC 28206. Representative: Roland Rice, Suite 501, Perpetual Bldg., 1111 E St., NW., Washington, DC 20004. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Memphis, TN, and Natchez, MS, over US Hwy 61, (2) between Memphis, TN, and McComb, MS, (a) over US Hwy 51, and (b) over US Interstate Hwy 55, (3) between Clarksdale, MS, and Gulfport, MS; from Clarksdale, over US Hwy 49 to junction US Hwy 49E and 49W at or near Tulwiler, MS, then over US Hwys 49E

and 49W to junction US Hwy 49 at or near Yazoo City, MS, then over US Hwy 49 to Gulfport, and return over the same route, (4) between Clarksdale, MS, and Tupelo, MS, over MS Hwy 6, (5) between Cleveland, MS, and Houston, MS, over MS Hwy 8, (6) between Houston, MS, and Meridian, MS; from Houston over MS Hwy 15 to junction MS Hwy 19 at or near Philadelphia, MS, then over MS Hwy 19 to Meridian and return over the same route, (7) between Greenville, MS, and Columbus, MS, over US Hwy 82, (8) between Aberdeen, MS, and Mobile, AL, over US Hwy 45, (9) between Okolona, MS, and Brookville, MS, over Alternate US Hwy 45, (10) between Macon, MS, and Durant, MS; from Macon over MS Hwy 14 to Kosciusko, MS, then over MS Hwy 12 to Durant and return over the same route, (11) between Meridian, MS and Vicksburg, MS; (a) over US Hwy 80, and (b) over US Interstate 20, (12) between Memphis, TN, and the Benton-Union County, MS line, over US Hwy 78, (13) between Natchez, MS, and Mobile, AL, over US Hwy 98, (14) between Meridian, MS and the MS-LA state line; (a) over US Hwy 11, and (b) over Interstate Hwy 59, (15) between Mobile, AL, and the LA-MS state line; (a) over US Hwy 90, and (b) over Interstate Hwy 10, (16) between Birmingham, AL, and Meridian, MS; (a) over US Hwy 11, and (b) over Interstate Hwy 59, (17) between Nashville, TN, and Mobile, AL, over US Hwy 31 to Columbus, TN, then over US Hwy 43 to Mobile, and return over the same route, (18) between Pell City, AL, and Panama City, FL, over US Hwy 231, (19) between Columbus, MS, and US Hwy 17, over US Hwy 82, (20) between Natchez, MS, and Brunswick, GA, over US Hwy 84, (21) between Corinth, MS, and Humboldt, TN, over US Hwy 45 to junction US Hwy 45W, then over US Hwy 45W to Humboldt, and return over the same route, (22) between Birmingham, AL, and Mobile, AL; (a) over US Hwy 31, and (b) over Interstate Hwy 65, (23) between Meridian, MS and Savannah, GA, over US Hwy 80, (24) between Mobile, AL and Jacksonville, FL; (a) over US Hwy 90, and (b) over Interstate Hwy 10, (25) between Dothan, AL, and US Hwy 78, over US Hwy 431, (26) between Columbus, GA, and Birmingham, AL, over US Hwy 280, (27) between Opelika, AL, and Montgomery, AL, over Interstate Hwy 85, (28) between Tupelo, MS, and Birmingham, AL, over US Hwy 78, (29) between Columbus, GA, and LaGrange, GA; (a) over US Hwy 27, and (b) over Interstate Hwy 185, (30) between Chattanooga, TN, and Florence, AL, over US Hwy 72, (31) between Augusta, GA, and



Nettleton, MS, over US Hwy 278, (32) between Opelika, AL, and Pensacola, FL, over US Hwy 29, (33) between Cartersville, GA, and Chattanooga, TN; (a) over US Hwy 41, and (b) over Interstate Hwy 75, (34) between Atlanta, GA, and Miami, FL; (a) over US Hwy 41, and (b) over Interstate Hwy 75 to Tampa, then over US Hwy 41, (35) between Cumming, Ga, and Sarasota, FL, over US Hwy 19, (36) between Athens, GA, and West Palm Beach, FL, over US Hwy 441 to Okeechobee, FL, then over US Hwy 98 to West Palm Beach and return over the same route, (37) between Savannah, GA, and Punta Gorda, FL, over US Hwy 17, (38) between Augusta, GA, and Homestead, FL, over US Hwy 1, (39) between Savannah, GA, and Miami, FL, over Interstate Hwy 95, (40) between Daytona Beach, FL, and Tampa, FL, over Interstate Hwy 4, (41) between Sarasota, FL and Ft. Pierce, FL, over FL Hwy 20 to junction FL Hwy 70, then over FL Hwy 70 to Ft. Pierce, and return over the same route, (42) between Chattanooga, TN, and Miami, FL, over US Hwy 27, (43) between Allendale, SC, and Bradenton, FL, over US Hwy 301, (44) between Clearwater, FL, and Vero Beach, FL, over FL Hwy 60, (45) between Titusville, FL, and Weeki Wachee, FL, over FL Hwy 50, (46) between Holly Hill, FL, and Ocala, FL, over FL Hwy 40, (47) between Bunnell, FL, and Lake City, FL, over FL Hwy 100, (48) between Brunswick, GA, and Perry, GA, over US Hwy 341, (49) between Columbus, GA, and US Hwy 80, over US Hwy 280, (50) between Statesboro, GA, and Augusta, GA, over US Hwy 25, (51) between Bronson, FL, and Gainesville, GA, over US Hwy 129, (52) between Perry, FL, and Greenwood, SC, over US Hwy 221, (53) between Perry, FL, and Pensacola, FL, over US Hwy 98, (54) between Nashville, TN, and Louisville, KY; (a) over US Hwy 31W, and (b) over Interstate Hwy 65, (55) between Knoxville, TN, and Louisville, KY; (a) over US Hwy 25W to junction US Hwy 25, then over US Hwy 25 to Lexington, KY, then over US Hwy 60 to Louisville, and (b) over Interstate Hwy 75 to junction Interstate Hwy 64, then over Interstate Hwy 64 to Louisville and return over the same route, serving intermediate points between Richmond, KY, and Louisville, KY, (56) between Elizabethtown, KY, and Lexington, KY, over US Hwy 62, (57) serving all points in AL, FL, GA, and MS as off-route points in connection with routes (1) through (53), (58) serving all points in Allen, Anderson, Barren, Bourbon, Bullitt, Butler, Clark, Edmonson, Fayette, Franklin, Hardin, Hart, Jefferson,

Jessamine, Larue, Logan, Nelson, Oldham, Scott, Shelby, Simpson, Spencer, Warren, Woodford counties, KY and Clark, Floyd and Harrison counties, IN as off-route points in connection with routes (54) through (56), (59) serving all intermediate points in (1) through (54), and (56). (Hearing site: Charlotte, NC, or Birmingham, AL.)

Note.—Applicant intends to tack this authority with its existing authority.

MC 107496 (Sub-1202F), filed March 14, 1979. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Avenue, Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *paint and paint products*, in bulk, in tank vehicles, from East Moline, IL, to points in CO and TX. (Hearing site: Des Moines, IA, or St. Paul, MN.)

MC 107496 (Sub-1210F), filed April 30, 1979. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Avenue, Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. Transporting *chemicals*, in bulk, in tank vehicles, from Lawrence, KS, to points in the United States (except AK and HI). (Hearing site: Kansas City, MO, or Des Moines, IA.)

MC 107496 (Sub-1211F), filed April 30, 1979. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Avenue, Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. Transporting *resins*, in bulk, in tank vehicles, from Burlington, IA, to points in OK, KY, and TN. (Hearing site: Chicago, IL, or Des Moines, IA.)

MC 112266 (Sub-12F), filed April 30, 1979. Applicant: CRAYCRAFT TRUCKING, INC., U.S. Route 30, Route 2, Upper Sandusky, OH 43351. Representative: James M. Burtch, 100 E. Broad Street, Suite 1800, Columbus, OH 43215. Transporting *clay products*, from the facilities of Galena Brick Company at or near Galena, OH, to points in MI. (Hearing site: Toledo, OH, or Detroit, MI.)

MC 113666 (Sub-167F), filed May 11, 1979. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, PA 16229. Representative: R. Scott Mahood (same address as applicant). Transporting *precast and prestressed concrete units*, from Monongahela, PA, to points in MD, VA, and WV. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 116806 (Sub-6F), filed April 30, 1979. Applicant: HUTTON TRANSPORT, LIMITED, R.R. No. 1,

Lakeside, Ontario, Canada NOM 2GO. Representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. Transporting (1) *cement, concrete, clay, brick and block, and prestressed and precast concrete products*, and (2) *materials and supplies* used in the manufacture, installation, and distribution of the commodities named in (1) above, between ports of entry on the international boundary line between the United States and Canada at points in MI and NY, on the one hand, and, on the other, points in IL, IN, MD, MI, NY, OH, PA, WV, and DC. (Hearing site: Buffalo, NY.)

MC 117686 (Sub-268F), filed May 14, 1979. Applicant: HIRSCHBACH MOTOR LINES, INC., P.O. Box 417, Sioux City, IA 51102. Representative: George L. Hirschbach (same address as applicant). Transporting *meats, meat products and meat byproducts*, and *articles* distributed by meat-packing houses as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of Wilson Foods Corporation at Albert Lea, MN, and Cedar Rapids and Cherokee, IA, to points in CA, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Dallas, TX, or Kansas City, MO.)

Note.—Dual operations may be involved.

MC 117686 (Sub-269F), filed May 18, 1979. Applicant: HIRSCHBACH MOTOR LINES, INC., P.O. Box 417, Sioux City, IA 51102. Representative: George L. Hirschbach (same address as applicant). Transporting *paper, paper products, plastic bags, plastic film, and plastic sheeting*, (1) from Hodge, LA, to points in NC and SC, (2) from Jacksonville, AR, to Rock Island, IL and points in IA, KS, MN, MO, NE, ND, SD, and WI, and (3) between Jacksonville, AR, and Hodge, LA. (Hearing site: Omaha, NE, or Des Moines, IA.)

Note.—Dual operations may be involved.

MC 118377 (Sub-8F), filed May 18, 1979. Applicant: RICHARD R. JOHNCOX, Route 104, Williamson, NY 14589. Representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. Transporting (1) *foodstuffs*, from points in Wayne, Ontario, Seneca, and Cayuga Counties, NY, to points in CT, DE, MA, MD, ME, NH, NJ, NY, OH, PA, RI, VA, VT, WV, and DC, and (2) *materials, equipment, and supplies* used in the manufacture, distribution, and sale of foodstuffs, in the reverse direction. (Hearing site: Rochester or Buffalo, NY.)

MC 145817 (Sub-1F), filed April 17, 1979. Applicant: RECREATIONAL PRODUCT TRANSPORT, INC., Uxbridge Road, Mendon, MA 01756. Representative: Samuel L. Watts, TDS, Inc., 1050 Waltham Street, Lexington, MA 02173. Transporting *such commodities* as are dealt in or used by the recreational marine industry (except commodities in bulk), between points in CT, MA, ME, NH, NY, RI, and VT, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Springfield or Boston, MA.)

MC 146497 (Sub-3F), filed May 11, 1979. Applicant: BURNHAM TRUCKING CO., 52 Fletcher Street, Ayer, MA 01432. Representative: James F. Martin, Jr., 8 W. Morse Road, Bellingham, MA 02019. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *fruits and fruit products, berries and berry products, and juices*, and (2) *materials and supplies* used in the manufacture and distribution of juices, fruit products, and berry products, (except commodities in bulk), between the facilities of the New England Apple Products Co., at Littleton, Harvard, and Ayer, MA, on the one hand, and, on the other, points in CT, DE, FL, GA, IA, IL, IN, KY, MA, MD, ME, MI, MO, NC, NH, NJ, NY, OH, PA, RI, SC, TN, VA, VT, WI, WV, and DC, under continuing contract(s) with New England Apple Products Co., Inc., of Littleton, MA. (Hearing site: Boston, MA.)

MC 146587 (Sub-1F), filed May 11, 1979. Applicant: J & D TRUCKING, INC., P.O. Box 183, Littleton, PA 17340. Representative: John M. Musselman, 410 North Third Street, Harrisburg, PA 17108. Transporting *such commodities* as are dealt in by grocery and food business houses, (except commodities in bulk), from (1) Chambersburg, PA, and points in Adams County, PA (except Conewago Township and Inwood) and WV, and (2) the facilities of W. E. Bittinger Co., Inc., Hanover Brands, Inc., and The Hanover Klondike Co., Inc., at Hanover, PA, Musselman Fruit Products Div., Pet, Inc., at Biglerville, PA, and Knouse Foods, Inc., at Peach Glen, PA, to points in AL, FL, GA, NC, SC, TN, and VA. (Hearing site: Harrisburg, PA, or Washington, DC.)

MC 146828 (Sub-5F), filed April 30, 1979. Applicant: SOUTHWEST FREIGHT, INC., 1305 Rye Street, Houston, TX 77029. Representative: David B. Schneider, P.O. Box 1540, Edmond, OK 73034. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over

irregular routes, transporting *such commodities* as are dealt in by retail department stores, between points in TX, LA, MS, and AL, under continuing contract(s) with F. W. Woolworth Co., of New York, NY. (Hearing site: Houston, TX.)

[FR Doc. 79-35408 Filed 11-15-79; 8:45 am]  
BILLING CODE 7035-01-M

[I.C.C. Order No. 52-A Under Service Order No. 1344]

#### Rerouting Traffic

To: All Railroads.

Upon farther consideration of I.C.C. Order No. 52, and good cause appearing therefor:

*It is ordered:*

I.C.C. Order No. 52 is vacated.

This order shall become effective October 29, 1979, and shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. A copy shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 29, 1979.

Interstate Commerce Commission.

Joel E. Burns,  
Agent

[FR Doc. 79-35414 Filed 11-15-79; 8:45 am]  
BILLING CODE 7035-01-M

[Finance Docket No. 29118F]

#### Willamette Leasing Co.; Finance Application

November 13, 1979.

Applicant: Willamette Leasing Company, Paul Sause and Curtis Sause, doing business as, Suite 1480, Lloyd Building, 700 N. E. Multnomah Street, Portland, OR 97232.

Applicant's Attorney: Norman E. Sutherland, 1200 Jackson Tower, Portland, OR 97205. Alan F. Wohlstetter, 1700 K Street, N.W., Washington, D.C. 20006.

Application filed August 28, 1979 for authority to acquire the operating authority of Portland Shipbuilding Company and Charles M. Nelson, Trustee in Liquidation of Portland Shipbuilding Company, 3106 S. E. Hawthorne Blvd., Portland, OR 97214. Operating rights sought to be acquired: Permit W-423 which authorizes the transportation as a contract carrier, in interstate or foreign commerce, in furnishing for compensation (under charter, lease, or other agreement) non-self-propelled dock scows (including those equipped with bins) to persons

other than carriers subject to the act, to be used by them in the transportation of their own property. (Hearing site: Portland, OR.)

By the Commission.  
Agatha L. Mergenovich,  
Secretary.

[FR Doc. 79-35411 Filed 11-15-79; 8:45 am]  
BILLING CODE 7035-01-M

# Sunshine Act Meetings

Federal Register

Vol. 44, No. 223

Friday, November 16, 1979

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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[M-255, Amdt. 1; Nov. 13, 1979]

### CIVIL AERONAUTICS BOARD.

Notice of addition of item to the November 15, 1979, meeting agenda.

**TIME AND DATE:** 9:30 a.m., November 15, 1979.

**PLACE:** Room 1027, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

**SUBJECT:** 29a. Docket 36741, *Limitation of Excess Baggage Allowance in Certain Caribbean Markets Proposed by Eastern*. (Memo No. 9286, BDA)

**STATUS:** Open.

**PERSON TO CONTACT:** Phyllis T. Kaylor, the Secretary, (202) 673-5068.

#### SUPPLEMENTARY INFORMATION:

November 15, 1979 Board Meeting is the only remaining meeting before the effective date of the tariff, November 17. The reason for the staff being late is that (1) an alternative draft order was added at a late date, and (2) review by the Legal Division necessitated additions to the memorandum and one draft order. Accordingly, the following Members have voted that Item 29a be added to the November 15, 1979 agenda and that no earlier announcement of this addition was possible:

Chairman, Marvin S. Cohen  
Member, Richard J. O'Melia  
Member, Elizabeth E. Bailey

Member, Gloria Schaffer

[S-2243-79 Filed 11-14-79; 3:46 pm]

BILLING CODE 6320-01-M

2

[M-255, Amdt. 2; Nov. 14, 1979]

### CIVIL AERONAUTICS BOARD.

Notice of addition and closure of item to the November 15, 1979, meeting agenda.

**TIME AND DATE:** 9:30 a.m. (Open)—3 p.m. (Closed)—November 15, 1979.

**PLACE:** Room 1027 (Open), Room 1011 (Closed), 1825 Connecticut Avenue NW., Washington, D.C. 20428.

**SUBJECT:** 32. Recommended Negotiating Position for U.S.-Peru Talks Scheduled to Begin November 19, 1979 in Washington. (Memo No. 9288, BIA)

**STATUS:** Closed.

**PERSON TO CONTACT:** Phyllis T. Kaylor, the Secretary, (202) 673-5068.

**SUPPLEMENTARY INFORMATION:** There are upcoming negotiations with Peru and in order to formulate a coordinated U.S. Government position, the Board Members have voted that agency business requires that the Board meet on this item on less than seven days' notice because staff work was not completed at this time and that no earlier announcement of the meeting was possible:

Chairman, Marvin S. Cohen  
Member, Elizabeth E. Bailey  
Member, Gloria Schaffer

This memo concerns strategy and positions that have been or may be taken by the United States in ongoing negotiations with Peru. Public disclosures, particularly to foreign governments, of opinions, evaluations, and strategies relating to the issues could seriously compromise the ability of the United States Delegation to achieve agreements which would be in the best interest of the United States. Accordingly, the following Members have voted that the meeting on this subject would involve matters the premature disclosure of which would be likely to significantly frustrate implementation of proposed agency action within the meaning of the exemption provided under 5 U.S.C. 552b(c)(9)(B) and 14 CFR Section 310b.5(9)(B) and that any meeting on this item should be closed:

Chairman, Marvin S. Cohen  
Member, Elizabeth E. Bailey  
Member, Gloria Schaffer

### Persons Expected To Attend

**Board Members.**—Chairman, Marvin S. Cohen; Member, Ricard J. O'Melia; Member, Elizabeth E. Bailey; and Member, Gloria Schaffer.

**Assistants to Board Members.**—Mr. David Kirstein, Mr. James L. Deegan, Mr. Daniel M. Kasper, and Mr. Stephen H. Lachter.

**Managing Director.**—Mr. Cressworth Lander. **Executive Assistant to the Managing Director.**—Mr. John R. Hancock.

**Office of the General Director.**—Mr. Michael E. Levine and Mr. Steven A. Rotenberg.

**Bureau of International Aviation.**—Mr. Sanford Rederer, Ms. Carolyn Coldren, Mr. Vance Fort, and Mr. Douglas Leister.

**Office of the General Counsel.**—Ms. Mary Schuman, Mr. Gary Edles, Mr. Peter B. Schwarzkopf, and Mr. Michael Schopf.

**Office of Economic Analysis.**—Mr. Robert H. Frank and Mr. Robert Preece.

**Bureau of Consumer Protection.**—Mr. Reuben B. Robertson and Ms. Patricia J. Kennedy.

**Office of the Secretary.**—Mrs. Phyllis T. Kaylor, Ms. Deborah A. Lee, and Ms. Louise Patrick.

### General Counsel Certification

I certify that this meeting may be closed to the public under 5 U.S.C. 552b(c)(9)(B) and 14 CFR Section 310b.5(9)(B) and that the meeting may be closed to the public observation:

Gary J. Edles,

*Deputy General Counsel.*

[S-2244-79 Filed 11-16-79; 3:46 pm]

BILLING CODE 6320-01-M

3

[M-255, Amdt. 3; Nov. 14, 1979]

### CIVIL AERONAUTICS BOARD.

Notice of deletion of item from the November 15, 1979, meeting agenda.

**TIME AND DATE:** 9:30 a.m. (Open)—3 (Closed)—November 15, 1979.

**PLACE:** Room 1027 (Open), Room 1011 (Closed), 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

**SUBJECT:** 19. Dockets 36971 and 36811; Sixty Day Notice of Air New England for suspension of nonstop or single plane service in eight markets; application of Air New England for an exemption from the notice requirement. (BDA)

**STATUS:** Open.

**PERSON TO CONTACT:** Phyllis T. Kaylor, the Secretary, (202) 673-5068.

**SUPPLEMENTARY INFORMATION:** Item 19 is being deleted from the November 15, 1979 agenda in order to allow the staff additional time to consider and prepare its recommendations in this case. Accordingly, the following Members have voted that Item 19 be deleted from the November 15, 1979 agenda and that no earlier announcement of this deletion was possible.

Chairman, Marvin S. Cohen  
Member, Richard J. O'Melia  
Member, Elizabeth E. Bailey  
Member, Gloria Schaffer

[S-2245-79 Filed 11-14-79; 3:49 pm]  
BILLING CODE 6320-01-M

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#### COMMODITY FUTURES TRADING COMMISSION.

**TIME AND DATE:** 10 a.m., November 16, 1979.

**PLACE:** 2033 K Street, N.W., Washington, D.C., 8th floor conference room.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:** Personnel matters.

**CONTACT PERSON FOR MORE INFORMATION:** Jane Stuckey, 254-6314.

[S-2238-79 Filed 11-14-79; 2:57 pm]  
BILLING CODE 6351-01-M

5

#### COMMODITY FUTURES TRADING COMMISSION.

**TIME AND DATE:** 10 a.m., November 20, 1979.

**PLACE:** 2033 K Street, NW., Washington, D.C., 5th floor hearing room.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:**

Proposed amendment to Section 1.12 of the Commission's regulations (Financial Early Warning System).

Treatment under the Freedom of Information Act of an exchange application for designation as a contract market prior to a decision by the Commission to grant or deny designation when the application is subject to an exchange petition for confidentiality.

The Regulation of Gold and Silver Leverage Transactions as Contracts for Future Delivery.

**CONTACT PERSON FOR MORE INFORMATION:** Jane Stuckey, 254-6314.

[S-2231-79 Filed 11-14-79; 1:50 pm]  
BILLING CODE 6351-01-M

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#### FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Change in Subject Matter of Agency Meeting.

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 2:00 p.m. on Tuesday, November 13, 1979, the Corporation's Board of Directors determined, on motion of Director William M. Issac (Appointive), seconded by Director John G. Heimann (Comptroller of the Currency), concurred in by Chairman Irvine H. Sprague, that Corporation business required the withdrawal from the agenda for consideration at the meeting, on less than seven days' notice to the public, of a proposed amendment to Part 329 of the Corporation's rules and regulations entitled "Interest on Deposits" which would require notice to depositors of maturing time deposits.

The Board further determined, by the same majority vote, that no earlier notice of this change in the subject matter of the meeting was practicable.

Dated: November 13, 1979.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,  
*Executive Secretary.*

[S-2239-79 Filed 11-14-79; 2:57 pm]  
BILLING CODE 6714-01-M

7

#### FEDERAL ELECTION COMMISSION.

**FEDERAL REGISTER NO. 2203.**

**PREVIOUSLY ANNOUNCED DATE AND TIME:** Thursday, November 15, 1979 at 10:00 a.m.

**CHANGE IN MEETING:** The following item has been added to the agenda:

Reconsideration of Nonqualified Campaign Expenses of the 1976 Democratic Presidential Campaign Committee, Inc.

**PERSON TO CONTACT FOR INFORMATION:** Mr. Fred Eiland, Public Information Officer, Telephone: 202-523-4065.

Marjorie W. Emmons,  
*Secretary to the Commission.*

[S-2242-79 Filed 11-14-79; 3:41 pm]  
BILLING CODE 6715-01-M

8

#### FEDERAL MARITIME COMMISSION.

**"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT:** November 9, 1979, 44 FR 65235.

**PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING:** November 13, 1979, 10 a.m.

**CHANGES IN THE MEETING:**

Addition of the following item to the open session:

12. Filing of Financial Data by Non-Vessel Operating Common Carriers in the Domestic Offshore Trades.

'Addition of the following item to the closed session:

1. Outstanding section 21 orders issued against various independent ocean freight forwarders.

[S-2228-79 Filed 11-14-79; 10:11 am]  
BILLING CODE 6730-01-M

9

#### FEDERAL MARITIME COMMISSION.

**TIME AND DATE:** November 21, 1979, 10 a.m.

**PLACE:** Room 12126 1100 L Street NW., Washington, D.C. 20573.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:**

1. Report on Notation Items disposed of during October 1979.

2. Report of the Secretary on times shortened for submitting comments on section 15 agreements pursuant to delegated authority during October 1979.

3. Report of the Secretary on Applications for Admission to Practice approved during October 1979, pursuant to delegated authority.

4. Assignment of Informal Dockets by the Secretary during October 1979.

5. Agreement No. 9891-7: Application for renewal of the term of approval of the Unigulf Sailing and Ratemaking Agreement.

6. Agreement No. T-3323-1: Amendment to lease agreement providing for its cancellation and settlement of proceedings in Docket No. 78-44.

7. Docket No. 79-12: Improvements in Prehearing and Discovery Procedures—Proposed order of discontinuance.

8. Docket No. 79-50: Notice of Inquiry Regarding the United Nations Convention on Code of Conduct for Liner Conferences—Review of comments received in response to notice of inquiry.

**CONTACT PERSON FOR MORE INFORMATION:** Francis C. Hurney, Secretary, (202) 523-5725.

[S-2240-79 Filed 11-14-79; 2:57 pm]  
BILLING CODE 6730-01-M

10

November 13, 1979.

#### FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

**TIME AND DATE:** 10 a.m., Thursday, November 8, 1979.

**PLACE:** Room 600, 1730 K Street NW., Washington, D.C.

**STATUS:** Partially closed (Pursuant to 5 U.S.C. 552b(c)(10)).

**MATTER TO BE CONSIDERED:** 1. Disciplinary Proceeding, D 79-3.

**VOTE:** Voting to Close the meeting: Commissioners Waldie (Chairman), Backley, Jestrab, Lawson and Nease. It was determined by this vote that Commission business required that this portion of the meeting be closed.

**CONTACT PERSON FOR MORE INFO:** Jean Ellen, 202-653-5632.

[S-2236-79 Filed 11-14-79; 2:57 pm]

BILLING CODE 6820-12-M

11

November 13, 1979.

**FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.****TIME AND DATE:** 10 a.m., Thursday, November 8, 1979.**PLACE:** Room 600, 1730 K Street NW., Washington, D.C.**STATUS:** Items 1, 2, & 3, open; Item 4 closed (Pursuant to 5 U.S.C. 552(c)(10)).**MATTERS CONSIDERED:** The Commission considered and acted upon the following cases. Items 1, 2, & 4 were previously announced. Item 3 was brought up at the meeting with no previous announcement.

1. Mid-Continent Coal and Coke Co., DENV 79-29-P (Petition for Discretionary Review)
2. Stash Brothers, Inc., PITT 79-44-P
3. Kerr-McGee Nuclear Corporation, DENV 79-201-PM
4. Disciplinary Proceeding, D 79-3

**CONTACT PERSON FOR MORE INFO:** Jean Ellen, 202-653-5632.

[S-2235-79 Filed 11-14-79; 2:57 pm]

BILLING CODE 6820-12-M

12

**FEDERAL RESERVE SYSTEM. (Board of Governors)****TIME AND DATE:** 10 a.m., Wednesday, November 21, 1979.**PLACE:** 20th Street and Constitution Avenue NW., Washington, D.C. 20551.**STATUS:** Open.**MATTERS TO BE CONSIDERED:****Summary Agenda**

Because of their routine nature, no substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board requests that an item be moved to the discussion agenda.

1. Proposed purchase of computer equipment by the Federal Reserve Bank of New York.
2. Proposed amendments to Regulation F (Securities of Member State Banks) to maintain substantial similarity with rules of the Securities and Exchange Commission. (Proposed earlier for public comment; docket no. R-0235).

**Discussion Agenda**

1. Board's regulatory improvement program; consideration of Subpart C of Regulation J (Collection of Checks and Other Items and Transfers of Funds) concerning the handling of automated clearing house payments. (Proposed earlier for public comment; docket no. R-0013).

2. Any agenda items carried forward from a previously announced meeting.

Note. This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for \$5 per cassette by calling (202) 452-3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

**CONTACT PERSON FOR MORE INFORMATION:** Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: November 14, 1979.

Griffith L. Garwood,  
*Deputy Secretary of the Board.*

[S-2229-79 Filed 11-14-79; 1:05 pm]

BILLING CODE 6210-01-M

13

**FEDERAL RESERVE SYSTEM. Board of Governors.****TIME AND DATE:** Approximately 12 noon, Wednesday, November 21, 1979

(following a recess at the conclusion of an open meeting to be held earlier the same day).

**PLACE:** 20th Street and Constitution Avenue NW., Washington, D.C. 20551.**STATUS:** Closed.**MATTERS TO BE CONSIDERED:**

1. Request by the General Accounting Office for Board comment on a draft report on Federal supervision of bank holding companies.
2. Any agenda items carried forward from a previously announced meeting.

**CONTACT PERSON FOR MORE INFORMATION:** Mr. Joseph R. Coyne, Assistant to the Board, (202) 452-3204.

Dated: November 14, 1979.

Griffith L. Garwood,  
*Deputy Secretary of the Board.*

[S-2230-79 Filed 11-14-79; 1:50 pm]

BILLING CODE 6210-01-M

14

**NATIONAL CREDIT UNION ADMINISTRATION.****TIME AND DATE:** 10 a.m., Tuesday, November 20, 1979.**PLACE:** 1776 G Street NW., Washington, D.C., 6th Floor Conference Room.**STATUS:** Open.**MATTERS TO BE CONSIDERED:**

1. Review of Central Liquidity Facility lending rates.
2. Designation of officers with access to Central Liquidity Facility safety deposit vault.
3. Central Liquidity Facility repayment agreements.
4. Federal credit unions' use of compensating balances.

5. Experimental pilot program: shared automatic teller machines.

6. Applications for charters, amendments to charters, bylaw amendments, mergers, conversions and insurance as may be pending at that time.

**CONTACT PERSON FOR MORE INFORMATION:** Rosemary Brady, Secretary of the Board, telephone (202) 254-9800.

[S-2241-79 Filed 11-14-79; 2:24 pm]

BILLING CODE 7535-01-M

15

**NUCLEAR REGULATORY COMMISSION.****TIME AND DATE:** November 14 (Changes) and November 19, 1979.**PLACE:** Commissioners' Conference Room, 1717 H St., N.W., Washington, D.C.**STATUS:** Open/Closed.**MATTERS TO BE CONSIDERED:**

Wednesday, November 14, 1:30 p.m.

1. Briefing by NRR on TMI Lessons Learned Report (approximately 2 hours, public meeting). replaces proposed amendments to Part 50.

Monday, November 19, 10:30 a.m.

Discussion of Citizen's Advisory Committee (approximately 1 hour, public meeting).

Monday, November 19, 1:30 p.m.

1. Briefing on Proposed New 10 CFR Part 60, "Disposal of High-Level Radioactive Wastes in Geologic Repositories—Procedural Aspects (tentative) (approximately 1 hour, public meeting).
2. Discussion of Personnel Matter (approximately 2 hours, closed—exemption 6).

**CONTACT PERSON FOR MORE INFORMATION:** Walter Magee, (202) 634-1410.

Roger M. Tweed,  
*Office of the Secretary.*

November 9, 1979.

[S-2213-79 Filed 11-14-79; 2:57 pm]

BILLING CODE 7550-01-M

16

**NUCLEAR REGULATORY COMMISSION.****TIME AND DATE:** November 19 and 20, 1979.**PLACE:** Commissioner's Conference Room, 1717 H St., N.W., Washington, D.C.**STATUS:** Open.**MATTERS TO BE CONSIDERED:**

Monday, November 19, 10:30 a.m.

Discussion of Citizen's Advisory Committee (approximately 1 hour, public meeting) as announced.

Monday, November 19, 1:30 p.m.

1. Briefing on Proposed New 10 CFR Part 60, "Disposal of High-Level Radioactive Wastes in Geologic Repositories—Procedural Aspects (approximately 1 hour, public meeting) as announced.

2. Discussion of Proposed Amendments to 10 CFR Part 50, Section 50.33, 50.54 and Appendix E; Plans for Coping with Emergencies at Production and Utilization Facilities (approximately 2 hours, public meeting) rescheduled from 11/13—replaces personnel matter.

Tuesday, November 20, 9:30 a.m.

1. Briefing by IE on TMI Lessons Learned (approximately 2 hours, public meeting).

**CONTACT PERSON FOR MORE INFORMATION:** Walter Magee, (202) 634-1410.

Walter Magee,  
Office of the Secretary,  
November 13, 1979.

[S-2234-79 Filed 11-14-79; 2:57 pm]  
BILLING CODE 7590-01-M

17

#### SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of November 19, 1979, in Room 825, 500 North Capitol Street, Washington, D.C.

An open meeting will be held on Tuesday, November 20, 1979, at 2:30 p.m., immediately followed by a closed meeting.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.42(a)(4)(8)(9)(i) and (10).

Chairman Williams and Commissioners Loomis, Evans, and Pollack determined to hold the aforesaid meeting in closed session.

The subject matter of the open meeting scheduled for Tuesday, November 20, 1979, at 2:30 p.m., will be:

1. Consideration of whether to adopt amendments to Regulation 14A and Schedule 14A which would require issuers to use a form of proxy that (a) permits security holders to withhold authority to vote for director nominees, individually; (b) provides a means for security holders to specify a choice to abstain with respect to each matter

to be acted upon; and (c) indicates whether the proxy is solicited on behalf of the board of director. Another amendment would require disclosure to shareholders of prior year election results under certain circumstances. For further information, please contact Amy Goodman at (202) 272-3098, G. Michael Stakias at (202) 272-2589 or Gregory H. Mathews at (202) 272-2844.

2. Consideration of whether to: (1) adopt Form 20-F, which replaces Forms 20 and 20-K, (2) amend Form 6-K and Rules 3a12-3, 13a-16 and 15d-16 under the Securities Exchange Act of 1934 and Form S-16 under the Securities Exchange Act of 1933; and (3) to publish Guide 63. These amendments would increase the disclosure by certain foreign private issuers and enable them to use a simplified registration form for rights offerings to shareholders in the United States. For further information, please contact Carl T. Bodolus at (202) 272-3246 or Ronald Adee at (202) 272-3250.

3. Consideration of whether to: (1) adopt proposed amendments to Regulation 14D, Rule 434(b), and Schedule 13D, as well as proposed Regulation 14E, relating to tender offers, which amendments were published for comment in Securities Exchange Act Release No. 15548 (February 5, 1979) (44 FR 9956); and (2) publish for additional comment proposed amendments to Regulations 14D and 14E. For further information, please contact John Huber or John Granda at (202) 272-2589.

4. Consideration of whether to adopt Rule 17Ad-8 requiring clearing agencies to furnish a securities position listing to issuers and certain non-issuers. For further information, please contact Jerry R. Marlatt at (202) 272-2792.

5. Consideration of whether to publish a draft plan of voluntary compliance with Executive Order 12160, entitled "Providing for Enhancement and Coordination of Federal Consumer Programs." For further information, please contact Ann C. Stansbury at (202) 523-3952.

The subject matter of the closed meeting scheduled for Tuesday, November 20, 1979, following the 2:30 p.m. open meeting, will be:

Authorization to discuss settlement of possible enforcement action.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: John Ketels at (202) 272-2468.

November 13, 1979.  
[S-2227-79 Filed 11-13-79; 4:52 pm]  
BILLING CODE 8010-01-M

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#### SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: [44 65236 11/9/79].

**STATUS:** Open Meeting/Closed Meeting.

**PLACE:** Room 825, 500 North Capitol Street, Washington, D.C.

**DATE PREVIOUSLY ANNOUNCED:** Friday, November 9, 1979.

**CHANGES IN THE MEETING:** Additional items.

The following additional item will be considered at an open meeting scheduled for Thursday, November 15, 1979, at 10:00 a.m.

Consideration of whether to send a letter to the Office of Management and Budget commenting on the Justice Department's proposed amendments to the Right to Financial Privacy Act of 1978. For further information, please contact Alan Rosenblat at (202) 272-2428.

The following additional item will be considered at a closed meeting scheduled for Thursday, November 15, 1979, immediately following the open meeting.

Administrative proceeding.

Chairman Williams and Commissioners Loomis, Evans, and Pollack determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: George Yearsich at (202) 272-2178.

November 13, 1979.

[S-2232-79 Filed 11-14-79; 1:50 pm]  
BILLING CODE 8010-01-M

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#### WHITE HOUSE CONFERENCE ON LIBRARY AND INFORMATION SERVICES.

Advisory Committee Meeting.

**TIME:** 9 a.m. to 5 p.m. daily.

**DATE:** December 6-7, 1979.

**PLACE:** Washington Hilton Hotel, 1919 Connecticut Avenue NW., Washington, D.C.

**STATUS:** Open.

**MATTERS TO BE DISCUSSED:** Recommendations and Resolutions of Delegates to the White House Conference on Library and Information Services held December 15-19, 1979.

**CONTACT PERSON FOR MORE INFORMATION:** Marilyn K. Gell, Director, (202) 634-1530.

Marilyn K. Gell,  
Director.

November 12, 1979.  
[S-2237-79 Filed 11-14-79; 2:57 pm]  
BILLING CODE 7527-01-M



தமிழக அரசு

# Department of Labor

## Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

**DEPARTMENT OF LABOR****Employment Standards Administration  
Wage and Hour Division****Minimum Wages for Federal and  
Federally Assisted Construction;  
General Wage Determination  
Decisions**

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the Federal Register

without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

**Modifications and Supersedeas  
Decisions to General Wage  
Determination Decisions**

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the Federal Register without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate

information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage & Hour Division, Office of Government Contract Wage Standards, Division of Construction Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

**New General Wage Determination  
Decisions.**

None.

**Modifications to General Wage  
Determination Decisions**

The numbers of the decisions being modified and their dates of publication in the Federal Register are listed with each State:

Alabama:	
AL79-1133.....	Oct. 19, 1979.
AL79-1066.....	Apr. 13, 1979.
California:	
CA78-5123.....	Aug. 18, 1970.
Georgia:	
GA79-1014.....	Jan. 5, 1979.
GA79-1122.....	Aug. 31, 1970.
Kentucky:	
KY79-1034.....	Feb. 9, 1979.
KY79-1031.....	Feb. 9, 1979.
KY79-1108.....	July 6, 1979.
Montana:	
MT79-5106.....	July 27, 1979.
Tennessee:	
TN79-1104.....	June 29, 1979.
TN78-1091.....	Oct. 20, 1978.
TN78-1090.....	Oct. 20, 1978.

**Supersedeas Decisions to General Wage  
Determination Decisions**

The numbers of the decisions being superseded and their dates of publication in the Federal Register are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded:

Georgia:	
GA78-1088 (GA79-1148).....	Oct. 13, 1978.
Kentucky:	
KY79-1033 (KY79-1144).....	Feb. 9, 1979.
KY79-1032 (KY79-1145).....	Feb. 9, 1979.
New York:	
NY78-3079 (NY79-3042).....	Oct. 27, 1978.
Tennessee:	
TN78-1060 (TN79-1146).....	July 7, 1970.

**Cancellation of General Wage  
Determination Decision**

None.

Signed at Washington, D.C., this 9th day of November 1979.

Dorothy P. Come,  
Assistant Administrator Wage and Hour  
Division.

BILLING CODE 4510-27-M

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision #AL79-1133 - Mod. #1 (44-FR-60513 - October 19, 1979) Tuscaloosa County, Alabama CHANGE: Bricklayers Tile setters	\$10.35 10.10		.40 .40		.05 .05
Decision #AL79-1066-Mod. #3 (44-FR-22307-April 13, 1979) Madison County, Alabama Change: Bricklayers Cement masons Plumbers & Pipefitters	11.00 10.25 11.50	.60   	.60   		.15   

DECISION NO. C-78-5123 - Mod. #8 (43 FR 36439 - August 18, 1978) Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties, California	Fringe Benefits Payments				Education and/or Appr. Tr.
	Basic Hourly Rates	H & W	Pensions	Vacation	
<p>CHANGE:</p> <p>PAINTERS:</p> <p>San Luis Obispo, Santa Barbara and Ventura Counties:</p> <p>Brush; Pot Tender</p> <p>Paperhangers; Paster Machine Operators; Iron and Steel Spray; Taper; Sandblaster Steeplejack</p>	\$12.99	1.25	1.30		.03
	13.24	1.25	1.30		.03
	13.49	1.25	1.30		.03
	13.99	1.25	1.30		.03
<p>OMT:</p> <p>PAINTERS:</p> <p>San Luis Obispo, Santa Barbara and Ventura Counties:</p> <p>Sign Painter</p>	13.00	1.07	1.30		.03
<p>DECISION #C-79-1014 - Mod. #4 (44 FR 1632 - January 5, 1979) Clayton, Dekalb, &amp; Fulton Counties, Georgia</p> <p>CHANGE:</p> <p>Asbestos workers</p> <p>Bricklayers &amp; Stone masons</p> <p>Cement masons</p> <p>Marble, Tile, &amp; Terrazzo workers</p> <p>Plasterers</p> <p>Sprinkler fitters</p>	\$11.45 10.40 9.45 10.40 9.92 11.94	.55 .65 .60 .65 .60 .75	.75 .50 .80 .50 .80 1.05		.10 .10 .08
<p>DECISION #C-79-1122 - Mod. #1 (44 FR 57491 - August 31, 1979) DeKalb &amp; Fulton Counties, Georgia</p> <p>CHANGE:</p> <p>Brick masons</p> <p>Cement masons/finishers</p> <p>Electricians</p> <p>Waterproofers (Roofers)</p>	\$10.10 9.45 12.05 7.75	.65 .60 9% .35	.50 .80 11% .20		.10 # of 1% .02

DECISION #KY79-1031 - Mod. #2  
(44 FR 8497 - February 9, 1979)  
McCracken County, Kentucky

## CHANGE:

REGISTRATION-1031 - Mod. #2 (44 FR 8197 - February 9, 1979) McCracken County, Kentucky						
	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.	
		H & W	Pensions	Vacation		
Bricklayers, Stone masons, Marble masons, Tile setters, & Terrazzo workers	\$10.34	.45	.35		.02	
Carpenters & Soft floor layers	10.60	.45	.25		.05	
Cement masons	9.45	.90	.40		1/8 of 1%	
Electricians:					1/8 of 1%	
Wiremen	11.45	.50	13%			
Cable splicers	11.70	.50	13%			
Elevator Constructors:						
Mechanics	12.57	1.045	.69	a + b	.03	
Helpers	8.80	1.045	.69	a + b	.03	
Probationary helpers	6.285					
Ironworkers	11.60	.55	.85		.05	
Laborers:						
Group 1	7.73	.35	.47			
Group 2	7.93	.35	.47			
Group 3	8.23	.35	.47			
Lathers	10.06		.20	.75	.01	
Line Construction:						
Linemen & equipment operators	11.35	.70	13%		of 1%	
Cable splicers	11.60	.70	13%		of 1%	
Groundmen - truck drivers	8.49	.70	13%		of 1%	
Groundmen	8.26	.70	13%		of 1%	
Millwrights & Filledriversmen	11.10	.45	.25		.02	
Painters:						
Brush & roller	8.10	.50				
Sandblast & power tools	9.00	.50				
Steeple jack work	11.20	.50				
Plasterers	10.01					
Plumbers & Pipefitters		.60	.65		.01	
Power Equipment Operators:	12.60			.95	.08	
Class A	11.60	.50	.80	.50	.05	
Class B	8.86	.50	.80		.05	
Class C	8.09	.50	.80		.05	
Roofers	9.70		.10			
Sheet metal workers	12.88	1.563	1.47		.16	
Sprinkler fitters	13.33	.75	1.05		.08	

DECISION #KY79-1034 - Mod. #2  
(44 FR 8504 - February 9, 1979)  
Henderson County, Kentucky

## CHANGE:

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
Bricklayers, Stone masons, Marble masons, Plasterers, Terrazzo workers, Tile setters	\$10.54 11.37 10.30	.45 .60 .85	.35 1.00 .65			
Carpenters						
Cement masons						
Electricians:						
Wiremen	12.38	.50	3%			1/8 of 1%
Cable splicers	12.63	.50	3%			1/8 of 1%
Painters:						
Brush & roller	10.65	.80	.40			
Drywall tapers, paperhanger	10.90	.80	.40			
Sandblaster, power tools	11.65	.80	.40			
Spray	11.65	.80	.40			
Piledriversmen	11.62	.60	1.00			.10
Plumbers & Pipefitters	13.58	.75	1.05			
Power Equipment Operators:						
Class A	11.60	.50	.80			.05
Class B	8.86	.50	.80			.05
Class C	8.09	.50	.80			.05
Sheet metal workers	12.97	.55	.55			.03
Sprinkler fitters	13.33	.75	1.05			.08

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DECISION NO. MT99-5106 - Mod. #2  
(44 FR 44408 - July 27, 1979)  
Cascade, Deer Lodge, Gallatin,  
Glacier, Hill, Missoula, Silver  
Bow and Valley Counties, Montana

## CHANGE:

BRICKLAYERS:  
Cascade and Glacier Counties  
Deer Lodge County  
Missoula County  
Gallatin County  
Hill and Valley Counties  
Silver Bow County  
CARPENTERS:  
Cascade and Glacier Counties:  
Carpenters  
Pile-drivers; Saw Filers;  
Sawmen  
Millwrights  
Deer Lodge County:  
Carpenters  
Missoula County:  
Carpenters  
Millwrights  
Power Saw; Saw Filer  
Gallatin County:  
Carpenters  
Hill County:  
Carpenters  
Silver Bow County:  
Carpenters  
Valley County:  
Carpenters  
Millwrights  
Pile-drivers  
ELECTRICIANS:  
Gallatin County:  
MARBLE MASONRY:  
Missoula County  
Gallatin County  
Hill and Valley County  
Cascade and Glacier County  
SHEET METAL WORKERS:  
Cascade, Glacier and Hill Cos.  
Missoula County

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$ 9.88	1.00	.70		.04
8.30	.35	.60		
8.50	.35	.60		
8.65	.35	.60		
8.80	.35	.60		
9.50	.35	.60		
9.65				
13.77	.75	1.40		.10
14.27	.75	1.40		.10
14.52	.75	1.40		.10
13.83	.80	1.24		.15
14.33	.80	1.24		.15
14.58	.80	1.24		.15
11.60	.50	.80		.05
8.86	.50	.80		.05
8.09	.50	.80		.05
12.88	1.563	1.47		.16
13.33	.75	1.05		.08
9.65				
9.65				
11.10	.50	.40		

DECISION #MT99-1108 - Mod. #1  
(44 FR 39905 - July 6, 1979)  
Hardin, Jefferson, & Meade  
Counties, Kentucky

## CHANGE:

Cement masons  
Laborers:  
Group 1  
Group 2  
Group 3  
Group 4  
Group 5  
Marble finishers  
Pipefitters:  
Area 1  
Area 2  
Area 3  
Plumbers:  
Area 1  
Area 2  
Area 3  
Power Equipment Operators:  
Class A  
Class B  
Class C  
Sheet metal workers  
Sprinkler fitters  
Terrazzo finishers  
Tile finishers  
Tile setters

MODIFICATION PAGE 5

DECISION #TNT78-1091 - Mod. #5  
(43 FR 49207 - October 20, 1978)  
Shelby County, Tennessee

## CHANGE:

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
Asbestos workers	\$12.50	.65	1.00			.05
Laborers:						
Group A	7.445	.30	.40			.05
Group B	7.505	.30	.40			.05
Group C	7.595	.30	.40			.05
Group D	7.795	.30	.40			.05
Group E	7.995	.30	.40			.05
Group F	8.15	.35	.40			.05
Line Construction:						
Linemen	12.13	.90	3% + .50			3/8 of 1%
Cable splicers	12.23	.90	3% + .50			3/8 of 1%
Special equipment operators	9.10	.90	3% + .50			3/8 of 1%
Groundmen	6.25	.90	3% + .50			3/8 of 1%
Marble, Tile, & Terrazzo Workers	9.41	.53	.36			.05
Painters:						
Commercial	10.375	.55	.50			.10
Industrial, spray, & sand-blasting	10.625	.55	.50			.10
Plumbers	13.17	.75	.50			
Power Equipment Operators:						
Class A	10.375	.50	.50			.20
Class B	9.945	.50	.50			.20
Class C	9.245	.50	.50			.20
Class D	8.815	.50	.50			.20
Sheet metal workers	12.17	1.21	.25			.06
Sprinkler fitters	11.94	.75	1.05			.08

DECISION #TNT79-1101 - Mod. #2  
(44 FR 38137 - June 29, 1979)  
Hamilton, Marion, Polk, & Rhea Counties, Tennessee

## CHANGE:

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
Asbestos workers	\$11.70	.55	.70			.06
Carpenters, Carpet layers, & Floor layers	10.13	.55	.60			.08
Cement masons:						
Hamilton, Marion, Rhea Counties	10.20					
Electricians:						
Wiremen	11.20	.70	10%			1%
Cable splicers	11.45	.70	10%			1%
Ironworkers	10.36	.70	.65			1%
Laborers:						
Group A	7.10	.25	.30			
Group B	7.20	.25	.30			
Group C	7.30	.25	.30			
Group D	7.40	.25	.30			
Group E	7.45	.25	.30			
Group F	7.75	.25	.30			
Group G	7.80	.25	.30			
Group H	7.50	.25	.30			
Group I	7.65	.25	.30			
Group J	7.90	.25	.30			
Lathers	10.25					
Line Construction:						
Linemen & Operators of hole digging equipment, tractor with winch	11.20	.70	10%			1/2 of 1%
Cable splicers	11.45	.70	10%			1/2 of 1%
Truck without winch	9.65	.70	10%			1/2 of 1%
Groundmen	8.00	.70	10%			1/2 of 1%
Millwrights	10.58	.55	.60			.08
Piledrivermen	10.255	.55	.60			.08
Plasterers:						
Hamilton, Marion, & Rhea Counties	10.55					
Power Equipment Operators:						
Class A	10.00	.35	.35			.10
Class B	9.20	.35	.35			.10
Class C	8.60	.35	.35			.10
Class D	8.30	.35	.35			.10
Sprinkler fitters	11.94	.75	1.05			.08



MODIFICATION PAGE 9

## SUPERSEDES DECISION

STATE: GEORGIA  
 COUNTY: CHATHAM  
 DECISION NUMBER: GA79-1148  
 DATE: DATE OF PUBLICATION  
 SUPERSEDES Decision Number GA78-1088, dated October 13, 1978, in 43 FR 47426.  
 DESCRIPTION OF WORK: BUILDING CONSTRUCTION PROJECTS (does not include single family homes and apartments up to and including four stories).

DECISION #TWB-1090 - Mod. #1  
 (43 FR 49205 - October 20, 1978)  
 All of Knox & Monroe Counties,  
 and that portion of Anderson &  
 Roane Counties which comprise  
 the Oak Ridge Energy Research &  
 Development Administration site,  
 Tennessee

## CHANGE:

Electricians:  
 Knox & Monroe Counties:  
 Wiremen & technicians  
 Cable splicers  
 Lathers  
 Line Construction:  
 Knox & Monroe Counties:  
 Linemen, heavy equipment  
 operators, & hole diggers  
 Truck drivers with winch  
 Groundmen  
 Truck drivers without winch  
 Painters  
 Plasterers  
 Plumbers & Pipefitters:  
 Knox County  
 Remaining Counties  
 Roofers  
 Sprinkler fitters

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$10.56 11.06 9.90	.55 .55	3% + .50 3% + .50 .20		1/5 of 1% 1/5 of 1% .01
10.56 8.32 7.92 7.82 8.85 10.10	.55 .55 .55 .55 .40	3% + .50 3% + .50 3% + .50 3% + .50 .45		1/5 of 1% 1/5 of 1% 1/5 of 1% 1/5 of 1% 1/5 of 1%
10.75 11.05 8.77 11.94	.60 .60 .75	.70 .70 1.05	.35 .35	.05 .05 .08

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$10.39 10.70	.45 1.05	1.00 1.10		.02
9.55 9.70 8.25	.40 .55	.45		.01 .05
10.55 10.80	.60 .60	3% + .75 3% + .75		1/5 of 1% 1/5 of 1%
9.62 6.73	.895 .895	.69 .69	a + b a + b	.03 .03
10.30 7.65 10.30	.70 .55	.90		.03 .05
9.10 9.35 9.60				
9.85 9.95 7.25	.55			.05
10.90 11.55 5.50 10.18 11.94	.60 .60 .50 .75	.60 .60 1.05		.05 .05 .04 .08

ASBESTOS WORKERS  
 BOILERMAKERS  
 BRICKLAYERS, STONE MASONS,  
 MARBLE MASONS, TILE SETTERS,  
 & TERRAZZO WORKERS  
 CARPENTERS & SOFT FLOOR LAYERS  
 CEMENT MASONS  
 ELECTRICIANS:  
 Wiremen  
 Cable splicers  
 ELEVATOR CONSTRUCTORS:  
 Mechanics  
 Helpers  
 IRONWORKERS - Structural,  
 Reinforcing, & Ornamental  
 LATHERS  
 MILLWRIGHTS  
 PAINTERS:  
 Brush & roller  
 Paperhangers, drywall tapers,  
 & paint burners  
 Window jacks, steel brush, &  
 steel roller  
 Sandblasting, paint spraying,  
 paint mits & gloves, &  
 power tools (no roller lar-  
 ger than 9")  
 PILEDRIEVERS  
 PLASTERERS  
 PLUMBERS & PIPEFITTERS:  
 Contracts \$15,000.00 or less  
 Contracts over \$15,000.00  
 ROOFERS  
 SHOWN METAL WORKERS  
 SPRINKLER FITTERS  
 WELDERS: Receive rate  
 prescribed for craft  
 performing operation  
 to which welding is  
 incidental.

## DECISION NO. GA79-1118

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Cranes, derricks, draglines, side booms, cherry pickers, mechanics, piledrivers, crawlers, backhoes (3/4 cy. & up), concrete pumps, clam shells, drill operators, concrete mixer plants, locomotives, two-drum hoists, shovels, generators (250 KW & up), and hydraulic cranes over 10 tons, and finish motor graders;	\$10.83	.55	.50		.02
Bulldozers, hydraulic boom trucks (10 tons & under), scrapers, end loaders, fork tractors, one drum hoists, air compressors (500 CFM & over), tuggers, rollers, plain tractors, fireman, rubber tired backhoes (less than 3/4 cy.), push dozer, and trenching machine;	9.40	.55	.50		.02
Oilor, pump operators (over 4" diameter), air compressors under 600 CFM;	8.46	.55	.50		.02
Mechanics' tenders, servicing welding machines, and pumps (up to 4" diameter).	6.48	.55	.50		.02

## FOOTNOTES:

- a. Seven Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving Day; Christmas Day.
- b. Employer contributes 8% of the basic hourly rate for employees with 5 years or more of service, or 6% of the basic hourly rate for employees with 6 months to 5 years of service as Vacation Pay Credit.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

## DECISION NO. GA79-1118

## LABORERS:

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
General laborers, traffic flagmen, track spotters;	\$ 5.57	.15	.13		.10
Operators of jack hammer, tamp, paving breaker, chip-ping hammer, spade, chain saw, vibrator, motorized buggy, mason tender, terry razor helper, railroad or track laborers, walk behind compactor or roller, plasterer & carpenter tenders;	5.72	.15	.13		.10
Mortar mixers (hand or machine) pipelayers (hammer, potman, etc.), flagmen (cranes, derricks, etc.);	5.82	.15	.13		.10
Burner (torch) on demolition work, track or wagon drills used in blasting;	6.07	.15	.13		.10
Powderman or blaster.	6.57	.15	.13		.10

## SUPERSEDEAS DECISION

STATES: KENTUCKY & TENNESSEE LOCATION: Fort Campbell (Located in Christian County, Ky. and Montgomery County, Tn.)  
 DECISION NUMBER: KY79-1144 DATE: Date of Publication  
 Supersedeas Decision Number KY79-1033, dated February 9, 1979, in 44 FR 8501.  
 DESCRIPTION OF WORK: BUILDING CONSTRUCTION PROJECTS (does not include single family homes and apartments up to and including four stories).

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
ASBESTOS WORKERS	\$12.10	.65	.75			.05
BOLTERMAKERS	10.70	1.05	1.10			.02
BRICKLAYERS, STONE MASONS, MARBLE MASONS, TILE SETTERS, TERRAZZO WORKERS, CEMENT MASONS, & PLASTERERS	9.70	.45	.35			
CARPENTERS & SOFT FLOOR LAYERS	10.60	.45	.25			.02
ELECTRICIANS:						
Wiremen:						
Kentucky portion	11.45	.50	13%			$\frac{1}{2}$ of 1%
Tennessee portion	11.40	.60	3% + .25			$\frac{1}{2}$ of 1%
Cable splicers:						
Kentucky portion	11.70	.50	13%			$\frac{1}{2}$ of 1%
Tennessee portion	11.65	.60	3% + .25			$\frac{1}{2}$ of 1%
ELEVATOR CONSTRUCTORS:						
Mechanics	10.13	1.045	.69	a + b		.03
Helpers	7.09	1.045	.69	a + b		.03
Probationary helpers	5.065					
GLAZIERS	8.05	.50	.50			.02
IRONWORKERS	11.20	.75	.70			.12
LATHERS	8.90	.20	.20	.65		.01
MILLWRIGHTS & PILEDRIVERS:						
PAINTERS:	11.10	.45	.25			.02
Brush & roller	9.80	.40	.50			.10
Spray work, drywall finishing	10.05	.40	.50			.10
Structural steel, swing stage & chair, & motor stage						
Paperhangers	10.15	.40	.50			.10
Sandblasting	10.30	.40	.50			.10
PLUMBERS & PIPEFITTERS	10.55	.40	.50			.10
ROOFERS	11.44	.70	.70			.07
SHEET METAL WORKERS	8.45	.55	.40	.20		.07
SPRINKLER FITTERS:	12.00	.53	.32			.07
Kentucky portion	13.33	.75	1.05			.08
Tennessee portion	11.94	.75	1.05			.08

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

## FOOTNOTES:

- a. Seven Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving Day; Christmas Day.  
 b. Vacation Pay Credit - employer contributes 8% of the basic hourly rate for employees with 5 years or more of service, or 6% for employees with 6 months to 5 years of service.

DECISION NO. KY79-1144

## LABORERS:

Group 1  
 Group 2  
 Group 3

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$ 7.73	.35	.47		
7.88	.35	.47		
8.23	.35	.47		

## LABORERS' CLASSIFICATION DEFINITIONS

Group 1 - General laborers; wrecking labor on buildings, clearing right-of-way and building site; carpenter tenders; truck spotters and dumpers; axe and cross cut saw filer; concrete pullers and form strippers.

Group 2 - All power driven tools; hod carriers; mason tenders; finisher tenders; mortar mixers; jack hammers; vibrators; wagon drill; core drill; test drill; well drill; concrete pump machine; tunnel boring machine; men in tunnel and crib ditch work; signal men; riprap rock setters and handlers; asphalt rakers; tampers and smoothers; pipelayers; grout pump men; chain saw; pipe clearing; dopping and wrapping; swamps and straight cable hooking; cement guns; grade checkers machine excavating; batch plant scale man; sand hog free air; sand hog compressed air; cutting torch man on salvage work; road form setters; brick slingers; hand spikers; power buggy; handling of concrete material; sandblasters; curing of concrete and apply hardener; air and gas tappers; concrete saw; power posthole diggers and green cut men on concrete work.

Group 3 - Powdermen; blasters

## DECISION NO. KY79-1114

## POWER EQUIPMENT OPERATORS:

## (Tennessee Portion)

CLASS A  
CLASS B  
CLASS C  
CLASS D

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$10.23	.50	.45			.10
9.65	.50	.45			.10
9.07	.50	.45			.10
8.61	.50	.45			.10

**CLASS A:** Shovels, backhoes, draglines, cranes, derricks, gantries, gradall, winches with boom, motor patrol, trenching machines (18" or over), pile driver, tug boat operator, mechanic, forklift, central mixing plant, locomotive engineers, straddle carrier, core drills, tower cranes, hydro-cranes, Austin western and all similar type cranes, drilling of piling (all types), tugger, hoist more than one drum, earth freezing equipment, sideboom, dredge operator & engineer, hopper, pump crane, mucking machine, cableway, finishing machine, central compressor, derrick boat, concrete pump, welders, helicopters, de-watering system (all types) sweeper, bulldozers, pans, pulls, scrapers, tractors, front end loaders, concrete placing machines, two tower cranes requiring three operators.

**CLASS B:**

Trenching machines (18" or smaller), tandem rollers, pavers, mixer mobiles, backfillers, blade graders, dinky operators, elevating graders, winches operated from trucks and tractors without booms, distributors bituminous surfaces, hoist (1) drum, mixers, grout pumps, motor boat, switchman, brake man, elevator earth compactors, tractors, conveyors.

**CLASS C:**

Locomotive fireman on boilers, air compressor (stationary), earth drills, scale operators, motor crane driver and oiler, pumps 4" and larger, oilers on gantries, greasers, drill helpers.

**CLASS D:**

Air compressor, mechanic helper, firemen (low pressure pumps under 4") oilers, welding machine operators, deckhand.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

## DECISION NO. KY79-1114

## POWER EQUIPMENT OPERATORS:

## (Kentucky Portion)

CLASS A  
CLASS B  
CLASS C

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$11.60	.50	.80			.05
8.86	.50	.80			.05
8.09	.50	.80			.05

## CLASSIFICATIONS DEFINITIONS

**Class A -** Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant, clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, dredge operator, elevating grader and all types of loaders, hose type machine, hoist (1-drum when used for stack or chimney construction or repair), hoisting engine (2 or more drums), locomotive, motor scraper, carry-all scoop, bulldozer, heavy duty welder, mechanic, orange-peel bucket, pile driver, power blade, motor grader, roller (bituminous), scarifier, shovel, tractor shovel, truck crane, winch truck, push dozer, highlift, forklift (regardless of lift height and except when used for masonry construction), all types of boom cats, core drill, hopper, tow or push boat, A-frame winch truck, concrete paver, gradall, hoist, hyater, pumpcrete, Ross carrier, boom, tail boom, rotary drill, hydro hammer, mucking machine, rock spreader attached to equipment, scoopermobile, Keel loader, tower cranes (French, German and other types), hydrocrane, backfiller, guries, sub-grader;

**Class B -** All air compressors (over 900 cu. ft. per min.), bituminous mixer, joint sealing machine, concrete mixer (under 21 cu. ft.), form grader, roller (rock), tractor (50 hp and over), bull float, finish machine, outboard motor boat, flexplane, fireman, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, mechanic helper, whirley oiler, self-propelled compactor, tractor and road widening trencher and farm tractor with attachments except backhoe, highlift and end loader, elevator (regardless of ownership when used for hoisting any building material), hoisting engine (1-drum or buck hoist), forklift (when used for masonry construction), well points, grout pump, throttle-valve man, tugger, electric vibrator compactor;

**Class C -** Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, roller (earth), tamping machine, tractors (under 50hp), vibrator, oiler, concrete saw, burlap and curing machine, hydro-seeder, power form handling equipment, deckhand steersman, hydraulic post driver, drill helper.

## SUPERSEDES DECISION

STATE: KENTUCKY COUNTY: WARREN  
 DECISION NUMBER: KY79-11145 DATE: DATE OF PUBLICATION  
 Supersedes Decision Number KY79-1032, dated February 9, 1979, 44 FR 8499.  
 DESCRIPTION OF WORK: BUILDING CONSTRUCTION PROJECTS (does not include single family houses and apartments up to and including four stories).

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
ASBESTOS WORKERS	\$12.10	.65	.75			.05
BOILERMAKERS	10.70	1.05	1.10			.02
BRICKLAYERS, STONE MASONS, & TERRAZZO WORKERS	9.70	.15	.35			.05
MARBLE MASONS, TILE SETTERS, CARPENTERS & SOFT FLOOR LAYERS	9.30	.55	.55			.01
CEMENT MASONS & PLASTERERS	10.50					$\frac{1}{2}$ of 1%
ELECTRICIANS & CABLE SPlicERS	11.00	.50	3%			
ELEVATOR CONSTRUCTORS:						
Mechanics	12.57	1.015	.69	a + b		.03
Helpers	8.80	1.015	.69	a + b		.03
Probationary helpers	6.285					
GLAZIERS	8.05	.50	.50			.02
IRONWORKERS	11.20	.75	.70			.12
LATERS	8.90		.20	.65		.01
LINE CONSTRUCTION:						
Linen, line truck, hole digger, & cable splicers	11.50		3%			$\frac{1}{2}$ of 1%
Groundmen - truck drivers with winch	9.775		3%			$\frac{1}{2}$ of 1%
Groundmen - truck drivers	9.20		3%			$\frac{1}{2}$ of 1%
MARBLE, TERRAZZO, & TILE FINISHERS	9.65					
MILLWRIGHTS	12.75	.55	.85			.05
PAINTERS:						
Brush & roller	9.80	.10	.50			.10
Spray work, drywall finishers	10.05	.10	.50			.10
Structural steel, swing stage & chalk, & motor stage						
Paperhangers	10.15	.10	.50			.10
Sandblasting	10.30	.10	.50			.10
PILEDRIVERS	10.55	.10	.50			.10
PIPEFITTERS	9.55	.55	.55			.05
PLUMBERS	13.77	.75	1.10			.10
ROOFERS	13.83	.80	1.24			.15
SHEET METAL WORKERS	8.45	.55	.10	.20		.16
SPLINKLER FITTERS	12.88	1.563	1.17			.08
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.	13.33	.75	1.05			

Page 2

## FOOTNOTES:

- a. Seven Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving Day; Christmas Day.  
 b. Vacation Pay Credit - employer contributes 8% of the basic hourly rate for employees with 5 years or more of service, or 6% for employees with 6 months to 5 years of service.

DECISION NO. KY79-11145

## LABORERS:

Group 1  
 Group 2  
 Group 3

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$ 7.73	.35	.17		
7.88	.35	.17		
8.23	.35	.17		

## LABORERS' CLASSIFICATION DEFINITIONS

Group 1 - General laborers; wrecking labor on buildings, clearing right-of-way and building site; carpenter tenders; truck spotters and dumpers; axe and cross cut saw filler; concrete puddlers and form strippers.

Group 2 - All power driven tools; hod carriers; mason tenders; finisher tenders; mortar mixers; jack hammers; vibrators; wagon drill; core drill; test drill; well drill; concrete pump machine; tunnel boring machine; men in tunnel and crib ditch work; signal men; riprap rock sorters and handlers; asphalt rakers; tampers and smoothers; pipelayers; grout pump men; chain saw; pipe clearing; dapping and wrapping; swappers and straight cable hooking; cement gun; grade checkers machine excavating; batch plant scale man; sand hog free air; sand hog compressed air; cutting torch man on salvage work; road form material; brick slingers; hand spikers; power buggy; handling of excrete material; sandblasters; curing of concrete and apply hardener; air and gas temper; concrete saw; power posthole diggers and green cut men on concrete work.

Group 3 - Powdermen; blasters

DECISION NO. KY79-1145

POWER EQUIPMENT OPERATORS:

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
CLASS A	\$11.60	.50	.80			.05
CLASS B	8.86	.50	.80			.05
CLASS C	8.09	.50	.80			.05

CLASSIFICATIONS DEFINITIONS

Class A - Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant, clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, dredge operator, dredge engineer, elevating grader and all types of loaders, hoe type machine, hoist (1-drum when used for stack or chimney construction or repair), hoisting engine (2 or more drums), locomotive, motor scraper, carry-all scoop, bulldozer, heavy duty welder, mechanic, orangepeel bucket, pile driver, power blade, motor grader, roller (bituminous), scarifier, shovel, tractor shovel, truck crane, winch truck, push dozer, highlift, forklift (regardless of lift height and except when used for masonry construction), all types of boom cats, core drill, hopper, tow or push boat, A-frame winch truck, concrete paver, gradeall, hoist, hyster, pumperete, Ross carrier, boom, tail boom, rotary drill, hydro hammer, mucking machine, rock spreader attached to equipment, boomobile, McAl loader, tower cranes (French, German and other types), hydrocrane, backfiller, guries, sub-grader;

Class B - All air compressors (over 900 cu. ft. per min.), bituminous mixer, joint sealing machine, concrete mixer (under 21 cu. ft.), form grader, roller (rock), tractor (50 hp and over), bull float, finish machine, truck outboard motor boat, flexplane, fireman, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, mechanic helper, whiskey oiler, self-propelled compactor, tractor and road widening trencher and farm tractor with attachments except backhoe, highlift and end loader, elevator (regardless of ownership when used for hoisting any building material), hoisting engine (1-drum or buck hoist), forklift (when used for masonry construction), well points, grout pump, throttle-valve man, tugger, electric vibrator compactor;

Class C - Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, roller (earth), tamping machine, tractors (under 50hp), vibrator, oiler, concrete saw, burlap and curing machine, hydro-seeder, power form handling equipment, deckhand steersman, hydraulic post driver, drill helper.

DECISION NO. KY79-1145

TRUCK DRIVERS:

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
Truck tender;	\$ 8.86	.525c	.50c	d		
Driver, 3 tons and under, greaser, tire changer, & mechanic helper;	8.98	.525c	.50c	d		
Driver, over 3 tons, semi-trailer or pole trailer, dump trucks, tandem axle, farm tractor when used to pull building material or equipment;	9.09	.525c	.50c	d		
Driver, concrete mixer trucks (all types, hauling only on jobsites);	9.16	.525c	.50c	d		
Driver, Euclid & other heavy earth moving equipment and low boy, winch truck and A-frame & monorail truck when used to transport building materials.	9.26	.525c	.50c	d		

FOOTNOTES:

- c. Employer contribution to employees whose names appear on the payroll and have been employed a minimum of 20 work days within any 90 consecutive day period.
- d. Vacation and pay equal to 40 hours to any employee who has been regularly employed on a project for one year and who has worked a minimum of 1200 hours during the year.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).



DECISION NO. NY79-3042

## SUPERSEDES DECISION

COUNTIES: Nassau and Suffolk.

DATE: Date of Publication

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Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
AIR CONDITIONING MECHANIC	\$8.78	.60	b		
ASBESTOS WORKERS	12.38	1.82	7%		.02
BOILERMAKERS	13.19	1.5%			
BRICKLAYERS:					
Bricklayers	11.50	3.38			
CARPENTERS:					
Nassau County (except that part south of the southern state parkway, West of Seaford Creek also Smith-town, Islip Island on the east, Long Island Sound on the north, and Middle Island Railroad track on the south):					
Building	12.20	1.49	.95		.06
Heavy and Highway	12.25	1.49	.95		.06
Nassau County (remainder of County):					
Building, Heavy, Highway	12.48	1.78	1.01		.04
Suffolk County:					
Building	12.20	1.33	.90		.06
Heavy and Highway	12.25	1.33	.90		.06
CEMENT MASONS	11.70	1.74	1.03		.05
DIVERS	14.82	1.725	1.78		.05
DRYWALL PLASTERERS:					
Building	10.10	1.75	1.35		.01
Rehabilitation work on residential structures over 4 stories defined to include demolition, alteration and repair on any existing structure which is intended for predominantly residential use					
ELECTRICIANS & LINEMEN	7.17	2.30	17%	8%	5/8%
ELEVATOR CONSTRUCTORS	13.50	78+.60		e+f	.02
ELEVATOR CONSTRUCTORS	11.52	.745	.35+d	e+f	.02
ELEVATOR CONSTRUCTORS	8.64	.745	.35+d	e+f	.02
ELEVATOR CONSTRUCTORS	5.76				
HELPERS (PROBATIONARY)					

ELEVATOR CONSTRUCTORS  
REPAIR  
ELEVATOR CONSTRUCTORS  
REPAIR HELPERS  
ELEVATOR CONSTRUCTORS  
MODERNIZATION  
ELEVATOR CONSTRUCTORS  
MODERNIZATION HELPERS  
GLAZIERS  
IRONWORKERS, ORNAMENTAL  
FINISHER  
IRONWORKERS, STRUCTURAL  
IRONWORKERS, REINFORCING  
LABORERS, BUILDING  
LATHIERS, METALLIC  
LATHIERS, NAIL-ON  
LEADWORKERS  
MARBLE CARVERS  
MARBLE CUTTERS & SETTERS  
MARBLE POLISHERS  
MARBLE FINISHERS, CRANE  
OPERATORS & DERRICKMEN  
MILLWRIGHTS  
PAINTERS:  
Suffolk County:  
Brush and drywall  
finishers  
Structural steel  
Spray and scaffold  
Nassau County:  
Inwood, Lawrence, Cedarhurst, Woodmere, Hewlett, Hewlett Bay, Hewlett Neck, Hewlett Park, East Rockaway, part of Oceanside, part of Lynbrook, part of Rockville Center, Atlantic Beach, Long Beach, Lido Beach, Point Lookout, Gibson and part of Valley Stream:  
Painters

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$9.70	.745	.32+d	e+f		.02
7.275	.745	.32+d	e+f		.02
10.55	.745	.32+d	e+f		.02
7.91	.745	.32+d	e+f		.02
12.85	.66	1.91	.67		.01
11.23	1.48	3.05	.83		.14
12.25	1.78	3.58	1.60+g		.11
10.75	1.325	1.985	.75+h		.03
9.84	1.14	1.33	1.00		
10.79	1.325	1.985	.75+h		.03
11.35	.94	.20			
10.75	.40	.25	i		.01
10.45	1.21	1.71	j		
10.25	1.21	1.71	j		
10.93	1.21	1.71	j		
9.55	1.21	1.71	j		.04
12.48	1.70	1.78	1.01		
9.20	3.00	.60			.18
11.60	3.00	.60			.18
10.40	3.00	.60			.18
10.92	9%	1.04+k	3%		

## PAINTERS (Contd.)

Spray and Scaffold  
Fire escapes  
West of Port Washington  
Blvd. and north on the  
shore and west of Long  
Beach Road and south of  
Sunrise Highway on the  
South Shore:  
Structural steel  
Structural steel spray  
Remainder of County:  
Painters  
PAPERHANGERS  
PILEDRIVERS & DOCKBUILDERS  
PLUMBERS:  
Nassau County:  
Building, Heavy & Highway  
Jobbing (repairs to pre-  
sent plumbing systems  
that does not change the  
existing roughing or any  
other minor alterations  
job where the change to  
the existing roughing  
does not have a labor  
cost in excess of  
\$1,500,000)  
Suffolk County:  
Building, Heavy & Highway  
POINTERS, CAULKERS &  
CLEANERS:  
Pointers, Caulkers &  
Cleaners  
Sandblasters  
Steamcleaners  
ROOFERS:  
Composition, Damp & Water-  
proofers  
Slate & tile  
SHEET METAL WORKERS  
SPRINKLER FITTERS & STEAM-  
FITTERS

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$13.26	9½%	1.04+k	3%		
12.48	9½%	1.04+k	3%		
11.68	11%	14%			
12.68	11%	14%			
8.91	1.29	1.60	.50		.03
10.23	10%	18%	.91+c		.04
11.70	1.50	1.78			
11.85	1.00	1.34	1.10		.25
8.50	.76	.96	.75		.15
11.25	1.47	1.95	1.30		.235
10.17	1.10	1.87			.05
11.27	1.10	1.87			.05
10.42	1.10	1.87			.05
11.13	1.21	2.55	1.50		.01
11.07	.55	1.40	2.00		
12.135	38+.90	43+1.20	33+.75		13+.03
12.83	2.75	1.12	1.00		.07

## DECISION NO. NY79-3042

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$13.62	.50	1.00			.01
11.00	1.21	1.50			
9.84					
9.99	1.21	1.50			
11.18	1.21	1.50			
10.95	1.15	.75			
9.31	.68	.77	.50		
8.87	1.2125	1.8525	1+m		
8.725	1.2125	1.8525	1+m		
8.835	1.2125	1.8525	1+m		
9.44	1.2125	1.8525	1+m		

STONE DERRICKMEN & RIGGERS  
STONEMASONS  
TERRAZZO FINISHER  
TERRAZZO FINISHER MACHINE  
OPERATOR  
TERRAZZO WORKERS  
TILE SETTERS  
TILE SETTERS FINISHERS  
TRUCK DRIVERS:  
Building:  
Ready-mix concrete, Sand  
gravel, asphalt & bulk  
cement  
Euclids & Turnapulls  
Heavy:  
Euclids & Turnapulls  
High-rise:  
Truck drivers  
WELDERS: Receive rate pre-  
scribed for craft perfor-  
ming operation to which  
welding is incidental.

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## PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

## FOOTNOTES:

- a. Employer contributes \$102.83 per month to Health and Welfare.
- b. For 0-6 months of service one week paid vacation; 6-12 months service 2 weeks paid vacation.
- c. Employees employed on the last working day before Christmas Day and New Years Day and who report to work on such days shall receive 3 hours pay without working the afternoon.
- d. Employer contributes \$8.00 per day to Annuity Fund.
- e. Paid Holidays: A through F, Lincoln's Birthday, Washington's Birthday, Columbus Day, Armistice Day and Election Day.
- f. Employer contributes 6.4% of basic hourly rate for 5 years or more of service or 4.2% of basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.
- g. Paid Holidays: Christmas Eve and New Years Eve: If employee works a full 1/2 day on the working day immediately preceding Christmas Day and New Years Day, they shall receive a full day's pay.
- h. Work on Christmas Eve and New Years Eve shall terminate at noon, but employees will receive a full day's pay.
- i. Paid Holidays: A through F, Washington's Birthday, Good Friday and Christmas Eve providing the employee has worked 30 full days during the 90 calendar days prior to the holiday and the regularly scheduled work days immediately preceding and following the holiday.
- j. Paid Holiday: 1/2 day's pay for Labor Day.
- k. Employer contributes \$5.00 per day to an Annuity Fund.
- l. Employer contributes \$4.00 per day to a Security Fund.
- m. For each 15 days worked with the contract year an employee will receive one day's vacation with pay, with a maximum vacation of 3 weeks per year.

DECISION NO. NY79-3042

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	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Building Construction					
POWER EQUIPMENT OPERATORS:					
Asphalt spreader	12.28	84+.25	2.00	a	.15
Backhoe, dragline, gradall	12.555	84+.25	2.00	a	.15
Piledriver, shovel					
Batching plant (on site of job), power winch (used for stone or steel), power winch truck mounted (used for stone or steel), pump (concrete)	12.455	84+.25	2.00	a	.15
Bending machine, generator (small), vibrator (1 to 5 dinky locomotive)	11.105	84+.25	2.00	a	.15
Boiler, bulldozer, compressor (on crane) compressor (pile work), compressor (stone setting), concrete breaker, conveyor, generator (pilework), loading machine (front end), maintenance engineer, mechanical compactors (machine drawn), powerhouse, power winch truck mounted (used for other than steel or stone), pulvi-mixer, power winch (used for other than stone or steel), pump (double action diaphragm),					

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
POWER EQUIPMENT OPERATORS (CONTD.):				
pump (gypsum), pump (hydraulic pump (jet), pump (single action - 1 to 3), pump (well point), welding and burning, welding machine (pilework)	\$12.105	8%+.25	2.00	.15
Boom truck, crane (crawler or truck), conveyor-multi plant engineer, stone spreader (self-propelled) compressor, compressor (2 or more in battery), generator, mulch machine, pin puller, portable heaters, pump (4 inch or over), track tamper, welding machine	12.305	8%+.25	2.00	.15
Crane and boom truck (setting structural or stone) Bulldozer (use for excavation), fireman, loading machine, powerboom, scoop (carry-all scraper) vac-all	11.855	8%+.25	2.00	.15
CMI or maxim spreader, concrete spreader, derrick, sideboom tractor Compressor (structural steel)	12.68	8%+.25	2.00	.15
Concrete saw or cutter, mixer (with skip), mixer (2 small, with or without skip), pump (up to 3 inches), tractor caterpillar or wheel	11.73	8%+.25	2.00	.15
Crane with clam shell bucket	12.655	8%+.25	2.00	.15
Crane, crawler or truck: Boom lengths of 100' (including jib) but less than 150'	12.255	8%+.25	2.00	.15
Boom lengths of 150' (including jib) but less than 250'				

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
POWER EQUIPMENT OPERATORS (CONTD.):				
Boom lengths of 250' (including jib) but less than 350'	\$13.305	8%+.25	2.00	.15
Boom lengths of 350'	13.805	8%+.25	2.00	.15
Curb machine (asphalt or concrete), curing machine pump (submersible), tower crane maintenance man	12.055	8%+.25	2.00	.15
Dredge	12.43	8%+.25	2.00	.15
Elevator, forklift, hoist (1 drum)	12.48	8%+.25	2.00	.15
Forklift (walk-behind, power operated)	12.27	8%+.25	2.00	.15
Grader	11.88	8%+.25	2.00	.15
Hoist (2 and drum)	12.53	8%+.25	2.00	.15
Hoist (multiple platform)	15.15	8%+.25	2.00	.15
Mechanical compactors (hand operated), trench machine (hand)	10.73	8%+.25	2.00	.15
Hoist tandem platform	13.53	8%+.25	2.00	.15
Hydra-hammer, ridge cutter	11.27	8%+.25	2.00	.15
Lead engineer	13.755	8%+.25	2.00	.15
Loading machine (with capacity of 10 yds. or over)	11.98	8%+.25	2.00	.15
Oiler, stump chipper	10.755	8%+.25	2.00	.15
Power buggies	10.98	8%+.25	2.00	.15
Roller, trench machine	12.355	8%+.25	2.00	.15
Scoop, carry-all, scraper in tandem	12.73	8%+.25	2.00	.15
Sideboom tractor (used in tank work)	12.815	8%+.25	2.00	.15
Stripping machine	11.78	8%+.25	2.00	.15
Tank work	12.58	8%+.25	2.00	.15
Tower crane (engineer)	13.11	8%+.25	2.00	.15
Tower crane (oiler)	10.605	8%+.25	2.00	.15
Welding machine, structural steel	12.33	8%+.25	2.00	.15

## PAID HOLIDAY:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

## FOOTNOTE:

a. Holidays: A through F; Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day and Veterans' Day.

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Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
Compressor (on crane), generator (pile work), welding machine (pile work), power winch (used for other than stone or structural steel), power house loading machine (front end), compressor (pile work), power winch (truck mounted, used for other than stone or steel), hoist (2 drum)	\$12.005 88+.25	2.00	a	.15
Compressor (2 or more in battery)	11.70 88+.25	2.00	a	.15
Compressor (stone setting)	12.165 88+.25	2.00	a	.15
Compressor (structural steel), welding machine (structural steel)	11.905 88+.25	2.00	a	.15
Compressor, mulch machine, pin puller, pump (double action diaphragm), pump (gypsum), pump (single action 1 to 3), stripping machine, welding machine	11.72 88+.25	2.00	a	.15
Loading machine, with bucket capacity of 10 yds. or over	10.38 88+.25	2.00	a	.15
Concrete breaker, concrete saw or cutter, forklift (walk-behind, power operated), hydra-hammer, mixer (with skip), mixer (2 small with without skips), mixer (2 bag or over with or without skip), power buggies, power grippers, ridge cutter	12.115 88+.25	2.00	a	.15
Dredge	10.065 88+.25	2.00	a	.15
Generator (small)	11.685 88+.25	2.00	a	.15
Grader				
Hoist (3 drum), power winch (truck mounted, used for stone or steel), power winch (used for stone setting & structural				

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Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
Heavy and Highway Construction POWER EQUIPMENT OPERATORS: Asphalt spreader, boom truck, boring machine (other than post holes), CMI or maxin spreader, crane (crawler or truck), conveyor (multi), plant engineer, concrete spreader, sideboom tractor, stone spreader, (self-propelled), cherry picker Backhoe, crane (stone setting), crane (structural steel), dragline, gradall piledriver, road paver, shovel	\$12.28 88+.25	2.00	a	.15
Batching plant (on site of job), crane (on barge), derrick, sideboom tractor (used in tank work), tank work	12.65 88+.25	2.00	a	.15
Bending machine, mechanical compactors (hand operated), pump (centrifugal, up to 3 inches), trench machine (hand)	12.505 88+.25	2.00	a	.15
Boiler	10.03 88+.25	2.00	a	.15
Boring machine (post holes)	11.78 88+.25	2.00	a	.15
Buildozer, concrete finishing machine, conveyor, curb machine (asphalt or concrete), curing machine (dinky locomotive, fireman, forklift, hoist (1 drum), loading machine, maintenance engineer, pulvi-mixer, pump (4 in. or over), pump (hydraulic), pump (jet), pump (submersible), pump (well point), roller (5 tons and over), scoop (carry-all, scraper), maintenance man (tower crane), vacuum, welding & burning	12.22 88+.25	2.00	a	.15

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POWER EQUIPMENT OPERATORS  
(CONTD.)

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
steel), trench machine	\$12.495	88+.25	2.00	a		.15
Mechanic	10.08	88+.25	2.00	a		.15
Mechanical compactors (machine drawn), roller (over 5 tons)	11.82	88+.25	2.00	a		.15
Oilier, root cutter, stump chipper, tower crane, (oilier), track tamper (2 engineers, each)	10.07	88+.25	2.00	a		.15
Portable heaters	11.645	88+.25	2.00	a		.15
Powerboom	10.52	88+.25	2.00	a		.15
Pump (concrete)	11.74	88+.25	2.00	a		.15
Scoop (carry-all, scraper in tandem), tower crane (engineer)	12.905	88+.25	2.00	a		.15
Tractor (caterpillar or wheel)	9.855	88+.25	2.00	a		.15

## FOOTNOTES:

a. Paid Holidays: New Year's Day; Lincoln's Birthday; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Election Day; Veteran's Day; Thanksgiving Day and Christmas Day provided employee is employed the day after the holiday.

HEAVY AND HIGHWAY  
CONSTRUCTION

## LABORERS:

Concrete and curb form setters, asphalt rakers Asphalt workers and roller boys, asphalt top shovelers and smoothers, asphalt tamperers Jackhammers, and drill men hoppers, carpenters, tenders, pipe joiners & setters, concrete laborers (structures), stone spreading laborers, trackmen, grading and excavating laborers, yard laborers, puddlers on concrete pavement, laborers (other than above) on concrete pavement, asphalt plant (batcher & hopper men), all other unskilled laborers

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
	\$8.70	10%	13%	.75+a		
	8.50	10%	13%	.75+a		
	8.10	10%	13%	.75+a		

## PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

## FOOTNOTE:

a. Holidays: A through F, Columbus Day, Lincoln's Birthday, Washington's Birthday, Veterans' Day; Election Day, provided employee works or shows up the scheduled day before and the schedule day after the holiday.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).



## SUPERSEDES DECISION

STATE: TENNESSEE COUNTY: DAVIDSON  
 DECISION NUMBER: TN79-1146 DATE: DATE OF PUBLICATION  
 Supersedes Decision Number TN78-1060, dated July 7, 1978, in 43 FR 29467.  
 DESCRIPTION OF WORK: BUILDING CONSTRUCTION PROJECTS (does not include single family homes and apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
ASBESTOS WORKERS	\$12.10	.65	.75			.05
BOILERMAKERS	10.70	1.05	1.10			.02
BRICKLAYERS	8.40		.25			
CARPENTERS	7.09	.25				
CEMENT MASONS	7.05	.60	3% + .25			.1 of 1%
ELECTRICIANS	11.40					
ELEVATOR CONSTRUCTORS:						
Mechanics	10.13	1.045	.69	a + b		.03
Helpers	7.09	1.045	.69	a + b		.03
GLAZIERS	8.05	.50	.50			.02
IRONWORKERS - Structural, Reinforcing, & Ornamental	8.35	.45	.35			.10
LABORERS:						
Unskilled	4.24					
Mason tenders	5.00					
LATHERS	7.90		.20	.40		.01
MILLWRIGHTS	11.77		.25			.01
PAINTERS - Brush	5.35		.25			.01
PIPEFITTERS	10.85	.40	.20			.01
PLASTERERS	7.90	.70	.70			.07
PLUMBERS & PIPEFITTERS	11.00	.40	.25	.15		.02
ROOFERS - Composition	7.15	.44	.31			.08
SHIRT METAL WORKERS	8.60	.75	1.05			
SPRINKLER FITTERS	11.94					
TILE SETTERS	5.47					
TRUCK DRIVERS	4.97					
WELDERS - Rate for craft.						
POWER EQUIPMENT OPERATORS:						
Backhoe	5.93					
Bulldozer	5.55					
Crane, derrick, dragline	8.30	.30	.35			
Driller	5.65					
Front end loader	5.91					
Mixer	5.15					
Other	6.12					

[FR Doc. 79-31202 Filed 11-15-79; 8:45 am]

BILLING CODE 4810-27-C

DECISION NO. TN79-1146

## FOOTNOTES:

- a. Seven Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving Day; Christmas Day.
- b. Vacation Pay Credit: Employer contributes 8% of the basic hourly rate for employees with 5 years or more of service, or 6% for employees with 6 months to 5 years of service.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (11)).



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Friday  
November 16, 1979

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**Part III**

**Department of the  
Interior**

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**Bureau of Land Management**

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**Outer Continental Shelf, North Atlantic  
Oil and Gas Lease Sale No. 42**

DEPARTMENT OF THE INTERIOR  
Bureau of Land Management

Outer Continental Shelf, North Atlantic  
Oil and Gas Lease Sale No. 42

1. Authority. This notice is published pursuant to the Outer Continental Shelf Lands Act (43 U.S.C. 1331-1343), as amended, and the regulations issued thereunder (43 CFR Part 3300).
2. Filing of Bids. Sealed bids will be received by the Manager, New York Outer Continental Shelf (OCS) Office, Bureau of Land Management, at the Biltmore Plaza Hotel, Kennedy Plaza, Providence, Rhode Island 02903. Bids may be delivered in person to the Bureau at that address (State Suite C) from 1:00 p.m., to 5:00 p.m., e.s.t., December 17, 1979 or to that address (Grand Ballroom) from 8:30 a.m., e.s.t., to 9:30 a.m., e.s.t., December 18, 1979. Bids may also be delivered to the address in paragraph 14 until 4:45 p.m., e.s.t., Friday, December 14, 1979. Bids received by the Manager later than the times and dates specified above will be returned unopened to the bidders. Bids may not be modified or withdrawn unless written modification or withdrawal is received by the Manager prior to 9:30 a.m., e.s.t., December 18, 1979. All bids must be submitted and will be considered in accordance with applicable regulations, including 43 CFR Part 3300. The list of restricted joint bidders which applies to this sale was published in 44 FR 60416, as corrected at 44 FR 61263.
3. Method of Bidding. A separate bid in a sealed envelope, labeled "Sealed Bid for Oil and Gas Lease (insert number of tract), not to be opened until 10 a.m., e.s.t., December 18, 1979", must be submitted for each tract.

A suggested form appears in 43 CFR Part 3300 (44 FR 38289) Appendix A. Bidders are advised that tract numbers are assigned solely for administrative purposes and are not the same as block numbers found on official protraction diagrams. All bids received shall be deemed submitted for a numbered tract. Bidders must submit with each bid one-fifth of the cash bonus in cash or by cashier's check, bank draft, or certified check payable to the order of the Bureau of Land Management. No bid for less than a full tract as described in paragraph 13 will be considered. Bidders submitting joint bids must state on the bid form the proportionate interest of each participating bidder, in percent to a maximum of five decimal places, as well as submit a sworn statement that the bidder is qualified under 43 CFR Subpart 3316. The suggested form for this statement to be used in joint bids appears in 43 CFR Part 3300 (44 FR 38289) Appendix B. Other documents may be required of bidders under 43 CFR 3316.4. Bidders are warned against violation of 18 U.S.C. 1860, prohibiting unlawful combination or intimidation of bidders.

4. Bonus Bidding With a Fixed Sliding Scale Royalty. Bids on 42-18, 42-19, 42-20, 42-26, 42-27, 42-28, 42-78, 42-79, 42-80, 42-81, 42-89, 42-97, 42-98, 42-111, 42-112, 42-113, 42-117, 42-118, 42-119, 42-122, 42-123, 42-124, 42-125, 42-126, 42-127, 42-128, 42-130, 42-131, 42-132, 42-133, 42-134, 42-135, 42-136, 42-137, 42-138, 42-139, 42-140, 42-141, 42-142, 42-143, 42-144, 42-145, 42-146, 42-150, 42-151, 42-152, 42-153, 42-154, 42-155, 42-156, 42-157, 42-158, 42-162, 42-163, and 42-164 must be submitted on a cash bonus bid basis with the percent royalty due in

amount or value of production saved, removed or sold fixed according to the sliding scale formula described below. This formula fixes the percent royalty at a level determined by the value of lease production during each calendar quarter. For purposes of determining percent royalty due on production during a quarter, the value of production during the quarter will be adjusted for inflation as described below. The determination of the value of the production on which royalty is due will be made pursuant to 30 CFR 250.64 and Sec. 6 (b) of the lease form.

The fixed sliding scale formula operates in the following way: when the quarterly value of production, adjusted for inflation, is less than \$15.929026 million, a royalty of 16.66667 percent in amount or value of production saved, removed or sold will be due on the unadjusted value or amount of production. When the adjusted quarterly value of production is equal to or greater than \$15.929026 million, but less than or equal to \$3423.822697 million, the royalty percent due on the unadjusted value or amount of production is given by

$$R_j = b (\ln (V_j/S))$$

where

$R_j$  = the percent royalty that is due and payable on the unadjusted amount or value of all production saved, removed or sold in quarter  $j$

$b = 9.0$

$\ln$  = natural logarithm

$V_j$  = the value of production in quarter  $j$ , adjusted for inflation, in millions of dollars

$S = 2.5$

Figure 1  
Form of the Sliding Royalty Schedule

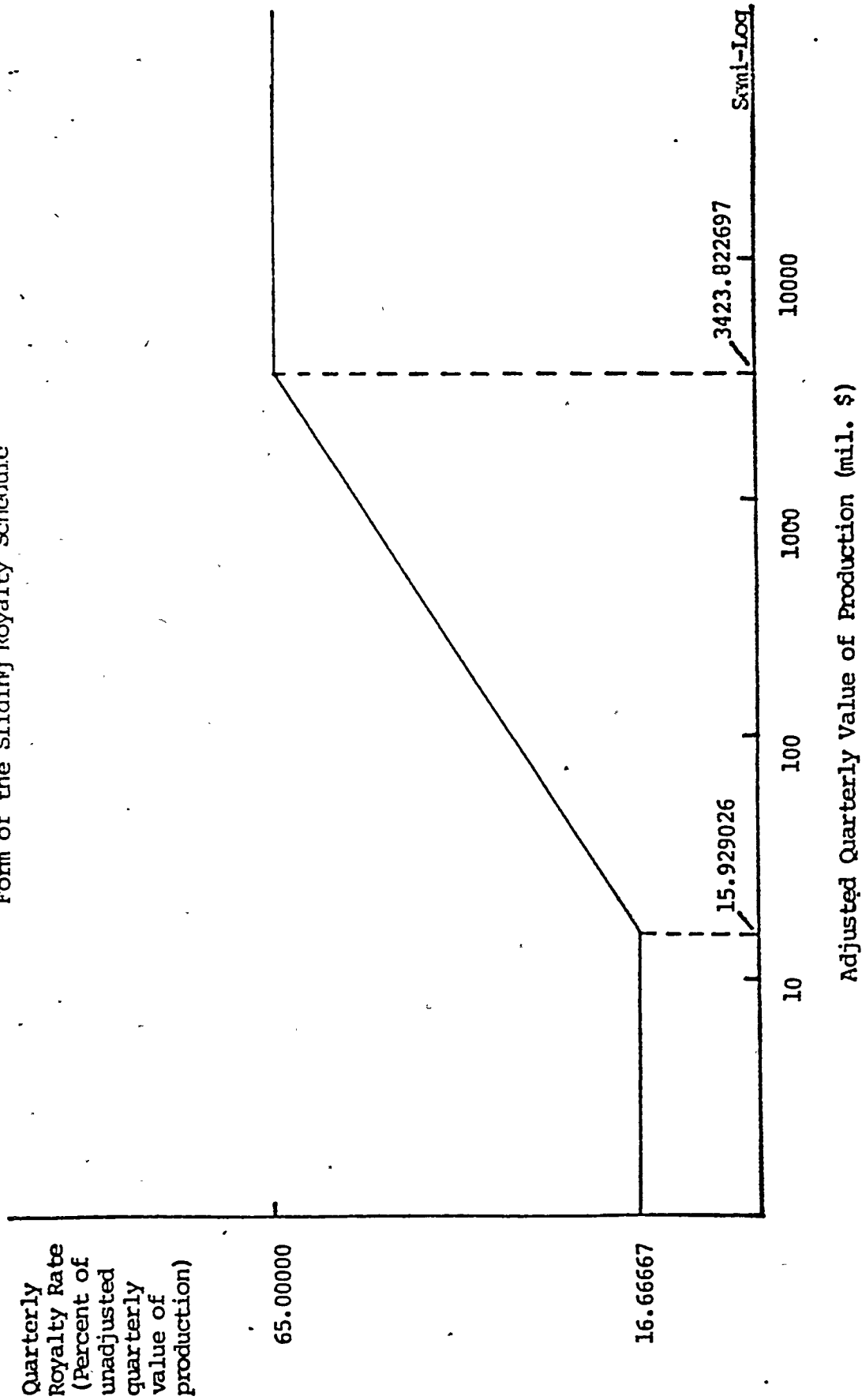




TABLE 1. HYPOTHETICAL QUARTERLY ROYALTY CALCULATIONS

(A) Actual Value of Quarterly Production (Millions of Dollars)	(B) GNP Fixed Weighted Price Index	(C) Inflation Factor <sup>1</sup>	(D) Adjusted Value of Quarterly Production <sup>2</sup> (Vj, Millions of \$)	(E) Percent Royalty Rate (Rj)	(F) Royalty Payment <sup>3</sup> (Millions of Dollars)
10.000000	200.0	4/3	7.500000	16.66667	1.666667
30.000000	200.0	4/3	22.500000	19.77502	5.932506
90.000000	200.0	4/3	67.500000	29.66253	26.696277
270.000000	200.0	4/3	202.500000	39.55004	106.785108
810.000000	200.0	4/3	607.500000	49.43755	400.444155
10.000000	250.0	5/3	6.000000	16.66667	1.666667
30.000000	250.0	5/3	18.000000	17.76673	5.330019
90.000000	250.0	5/3	54.000000	27.65424	24.888816
270.000000	250.0	5/3	162.000000	37.54175	101.362725
810.000000	250.0	5/3	486.000000	47.42926	384.177006

1 Column (B) divided by 150.0 (assumed value of GNP fixed weighted price index at time leases are issued).

2 Column (A) divided by Inflation Factor.

3 Column (A) times Column (E) divided by 100.

When the adjusted quarterly value of production is greater than \$3423.822697 million, a royalty of 65.00000 percent in amount or value of production saved, removed, or sold will be due on the unadjusted quarterly value of production. Thus, in no instance will the quarterly royalty due exceed 65.00000 percent in amount or value of quarterly production saved, removed or sold.

In determining the quarterly percent royalty due,  $R_j$ , the calculation will be rounded to five decimal places (for example, 18.59859 percent). This calculation will incorporate the adjusted quarterly value of production,  $V_j$  in millions of dollars, rounded to the sixth digit, i.e., to the nearest dollar (for example, 19.743026 millions of dollars).

The form of sliding scale royalty schedule is illustrated in Figure 1. Note that the effective quarterly royalty rate depends upon the inflation adjusted quarterly value of production. However, this rate is applied to the unadjusted quarterly value of production to determine the royalty payments due.

In adjusting the quarterly value of production for use in calculating the percent royalty due on production during the quarter, the actual value of production will be adjusted to account for the effects of inflation by dividing the actual value of production by the following inflation adjustment factor. The inflation adjustment factor used will be the ratio of the GNP fixed weighted price index for the calendar quarter preceding the quarter of production to the value of that index for the quarter preceding the issuance of the lease. The GNP fixed weighted price index is published monthly in the Survey of Current Business by the Bureau of Economic Analysis, U.S. Department of Commerce. The percent royalty will be due and payable

on the actual amount or value of production saved, removed, or sold as determined pursuant to 30 CFR 250.64 and Sec. 6 (b) of the lease form. The timing of procedures for inflation adjustments and determinations of the royalty due will be specified at a later date. Table 1 provides hypothetical examples of quarterly royalty calculations using the sliding scale formula just described under two different values for the quarterly price index.

Leases awarded on the basis of cash bonus bid with fixed sliding scale royalty will provide for a yearly rental or minimum royalty payment of \$8 per hectare or fraction thereof.

Bidders for these tracts should recognize that the Department of Energy is authorized, under Section 302 (b) and (c) of the Department of Energy Organization Act, to establish production rates for all Federal Oil and Gas leases.

5. Bonus Bidding With a Fixed Constant Royalty. Bids on the remaining tracts to be offered at this sale must be on a cash bonus basis with fixed royalty of  $16 \frac{2}{3}$  percent. Leases which may be issued will provide for a yearly rental payment or minimum royalty payment of \$8 per hectare or fraction thereof.

6. Equal Opportunity. Each bidder must have submitted by 9:30 a.m., e.s.t., December 18, 1979 the certification required by 41 CFR 60-1.7(b) and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, on the Compliance Report Certification Form, Form 1140-8 (November 1973), and the Affirmative Action Representation Form, Form 1140-7 (December 1971).

7. Bid Opening. Bids will be opened on December 18, 1979, beginning at 10 a.m., e.s.t., at the address stated in paragraph 2. The opening of the bids is for the sole purpose of publicly announcing and recording bids received and no bids will be accepted or rejected at that time. If the Department is prohibited for any reason from opening any bid before midnight, December 18, 1979, that bid will be returned unopened to the bidder, as soon thereafter as possible.

8. Deposit of Payment. Any cash, cashier's checks, certified checks, or bank draft, submitted with a bid may be deposited in a suspense account in the Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States.

9. Withdrawal of Tracts. The United States reserves the right to withdraw any tract from this sale prior to issuance of a written acceptance of a bid for that tract.

10. Acceptance or Rejection of Bids. The United States reserves the right to reject any and all bids for any tract. In any case, no bid for any tract will be accepted and no lease for any tract will be awarded to any bidder unless:

- (a) The bidder has complied with all requirements of this notice and applicable regulations;
- (b) The bid is the highest valid cash bonus bid; and
- (c) The amount of the bid has been determined to be adequate by the Secretary of the Interior.

No bid will be considered for acceptance unless it offers a cash bonus in the amount of \$62 or more per hectare or fraction thereof.

11. Successful Bidders. Each person who has submitted a bid accepted by the Secretary of the Interior will be required to execute copies of the lease specified below, pay the balance of the cash bonus bid together with the first year's annual rental and satisfy the bonding requirements of 43 CFR 3318.1 within the time provided in 43 CFR 3316.5.

12. Protraction Diagram. Tracts offered for lease may be located on the following protraction diagrams which are available from the Manager, New York Outer Continental Shelf Office, Bureau of Land Management, 26 Federal Plaza, Suite 32-120, New York, New York 10007, at \$2 each.

- (a) Outer Continental Shelf Official Protraction Diagram No. NK 19-8, Chatham (Approved April 18, 1979).
- (b) Outer Continental Shelf Official Protraction Diagram No. NK 19-9, (Approved March 20, 1975).
- (c) Outer Continental Shelf Official Protraction Diagram No. NK 19-11 (Approved October 31, 1974).
- (d) Outer Continental Shelf Official Protraction Diagram No. NK 19-12 (Approved April 29, 1975).

13. Tract Descriptions. The tracts offered for bid are as follows:

Note: There may be gaps in the numbers of the tracts listed. Some of the blocks identified in the final environmental statement may not be included in this notice.

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OCS OFFICIAL PROTRACTION DIAGRAM NK 19-8, CEATHAM  
(Approved April 18, 1979)

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<u>Tract</u>	<u>Block</u>	<u>Description</u>	<u>Hectares</u>
42-3	643	All	2304
42-6	916	"	2304
42-7	917	"	2304
42-8	961	"	2304
42-9	962	"	2304
42-10	1006	"	2304

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OCS OFFICIAL PROTRACTION DIAGRAM NK 19-9  
(Approved March 20, 1975)

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<u>Tract</u>	<u>Block</u>	<u>Description</u>	<u>Hectares</u>
42-11	883	All	2304
42-12	884	"	2304
42-15	926	"	2304
42-16	927	"	2304
42-17	928	"	2304
42-18	930	"	2304
42-19	931	"	2304
42-20	932	"	2304
42-24	970	"	2304
42-25	971	"	2304
42-26	974	"	2304
42-27	975	"	2304
42-28	976	"	2304

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OCS OFFICIAL PROTRACTION DIAGRAM NK 19-11  
(Approved October 31, 1974)

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<u>Tract</u>	<u>Block</u>	<u>Description</u>	<u>Hectares</u>
42-38	38	All	2304
42-39	39	"	2304
42-40	80	"	2304
42-41	81	"	2304
42-42	82	"	2304
42-43	83	"	2304
42-44	84	"	2304
42-45	123	"	2304
42-46	124	"	2304
42-47	125	"	2304
42-48	128	"	2304
42-49	167	"	2304
42-50	168	"	2304
42-51	169	"	2304
42-52	171	"	2304
42-53	172	"	2304
42-54	214	"	2304
42-55	215	"	2304
42-56	216	"	2304
42-57	258	"	2304
42-58	259	"	2304
42-59	260	"	2304



OCS OFFICIAL PROTRACTION DIAGRAM NK 19-12  
(Approved April 29, 1975)

<u>Tract</u>	<u>Block</u>	<u>Description</u>	<u>Hectares</u>
42-76	1	All	2304
42-77	2	"	2304
42-78	6	"	2304
42-79	7	"	2304
42-80	8	"	2304
42-81	12	"	2304
42-88	45	"	2304
42-89	56	"	2304
42-90	57	"	2304
42-96	89	"	2304
42-97	99	"	2304
42-98	100	"	2304
42-99	101	"	2304
42-105	133	"	2304
42-106	134	"	2304
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42-108	136	"	2304
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42-115	146	"	2304
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42-117	186	"	2304
42-118	187	"	2304
42-119	188	"	2304
42-120	189	"	2304
42-121	190	"	2304
42-122	226	"	2304
42-123	227	"	2304
42-124	228	"	2304
42-125	229	"	2304
42-126	230	"	2304
42-127	231	"	2304
42-128	232	"	2304
42-129	233	"	2304
42-130	266	"	2304
42-131	267	"	2304
42-132	269	"	2304
42-133	270	"	2304

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OCS OFFICIAL PROTRACTION DIAGRAM NK 19-12 (cont'd)  
(Approved April 29, 1975)

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<u>Tract</u>	<u>Block</u>	<u>Description</u>	<u>Hectares</u>
42-134	271	All	2304
42-135	272	"	2304
42-136	273	"	2304
42-137	274	"	2304
42-138	310	"	2304
42-139	311	"	2304
42-140	312	"	2304
42-141	313	"	2304
42-142	314	"	2304
42-143	315	"	2304
42-144	316	"	2304
42-145	317	"	2304
42-146	318	"	2304
42-147	322	"	2304
42-148	323	"	2304
42-149	324	"	2304
42-150	353	"	2304
42-151	354	"	2304
42-152	355	"	2304
42-153	356	"	2304
42-154	357	"	2304
42-155	358	"	2304
42-156	359	"	2304
42-157	360	"	2304
42-158	361	"	2304
42-159	365	"	2304
42-160	366	"	2304
42-161	367	"	2304
42-162	397	"	2304
42-163	398	"	2304
42-164	399	"	2304
42-169	409	"	2304
42-170	410	"	2304

14. Lease Terms and Stipulations. All leases issued as a result of this sale will be for an initial term of 5 years. Leases issued as a result of this sale will be on Form 3300-1 (September 1978), available from the Manager, New York Outer Continental Shelf Office, Federal Building, Suite 32-120, 26 Federal Plaza, New York, New York 10007. Section 6 of the lease form will be amended for tracts offered on a cash bonus basis with a fixed sliding scale royalty, listed in paragraph 4 as follows:

Sec. 6 Royalty on Production. (a) To pay the lessor a royalty of that percent in amount or value of production saved, removed or sold from the leased area as determined by the sliding scale royalty formula as follows. When the quarterly value of production, adjusted for inflation, is less than \$15.929026 million, a royalty of 16.66667 percent in amount or value of production saved, removed or sold will be due on the unadjusted value or amount of production. When the adjusted quarterly value of production is equal to or greater than \$15.929026 million, but less than or equal to \$3423.822697 million, the royalty percent due on the unadjusted value or amount of production is given by

$$R_j = b (\ln (V_j/S))$$

where

$R_j$  = the percent royalty that is due and payable on the unadjusted amount or value of all production saved, removed or sold in quarter  $j$

$b = 9.0$

$\ln$  = natural logarithm

$V_j$  = the value of production in quarter  $j$ , adjusted for inflation, in millions of dollars

$S = 2.5$

When the adjusted quarterly value of production is greater than \$3423.822697 million, a royalty of 65.00000 percent in amount or value of production saved, removed or sold will be due on the unadjusted quarterly value of production. Thus, in no instance will the quarterly royalty due exceed 65.00000 percent in amount or value of quarterly production saved, removed or sold.

In determining the quarterly percent royalty due, Rj, the calculation will be rounded to five decimal places (for example, 18.59859 percent). This calculation will incorporate the adjusted quarterly value of production, Vj, in millions of dollars, rounded to the sixth digit, i.e., to the nearest dollar (for example, 19.743026 millions of dollars). Gas of all kinds (except Helium) is subject to royalty. The lessor shall determine whether production royalty shall be paid in amount or value.

Except as otherwise noted, the following stipulations will be included in each lease resulting from this sale. In the following stipulations the term Supervisor refers to the Atlantic Area Oil and Gas Supervisor for Operations of the Geological Survey and the term Manager refers to the Manager of the New York OCS Office of the Bureau of Land Management.

#### Stipulation No. 1

If the Supervisor having reason to believe that a site, structure or object of historical or archeological significance hereinafter referred to as "cultural resource", may exist in the lease area, gives the lessee written notice that the lessor is invoking the provisions of this stipulation, the lessee shall upon receipt of such notice comply with the following requirements:

Prior to any drilling activity or the construction or placement of any structure for exploration or development on the lease, including but not limited to, well drilling and pipeline and platform placement, hereinafter in this stipulation referred to as "operation," the lessee shall conduct remote sensing surveys to determine the potential existence of any cultural resource that may be affected by such operations. All data produced by such remote sensing surveys as well as other pertinent natural and cultural environmental data shall be examined by a qualified marine survey archeologist to determine if indications are present suggesting the existence of a cultural resource that may be adversely affected by any lease operation. A report of this survey and assessment prepared by the marine survey archeologist shall be submitted by the lessee to the Supervisor and to the Manager for review.

If such cultural resource indicators are present the lessee shall:

(1) locate the site of such operation so as not to adversely affect the identified location; or (2) establish, to the satisfaction of the Supervisor, on the basis of further archeological investigation conducted by a qualified marine survey archeologist or underwater archeologist using such survey equipment and technique as deemed necessary by the Supervisor, either that such operation will not adversely affect the location identified or that the potential cultural resource suggested by the occurrence of the indicators does not exist.

A report of this investigation prepared by the marine survey archeologist shall be submitted to the Supervisor and the Manager for their review. Should the Supervisor determine that the existence of a cultural resource which may be adversely affected by such operation is sufficiently established to warrant protection, the lessee shall take no action that may result in an adverse effect on such cultural resource until the Supervisor has given directions as to its preservation.

The lessee agrees that if any site, structure, or object of historical or archeological significance should be discovered during the conduct of any operations on the leased area, he shall report immediately such findings to the Supervisor, and make every reasonable effort to preserve and protect the cultural resource from damage until the Supervisor has given directions as to its preservation.

#### Stipulation No. 2

If biological populations or habitats which may require additional protection are identified by the Supervisor in the leasing area, the Supervisor will require the lessee to conduct environmental surveys or studies, including sampling as, approved by the Supervisor, to characterize existing environmental conditions in an identified zone prior to oil and gas operations, and to determine the extent and composition of biological populations or habitats, and the effects of proposed or existing operations on the populations or habitats which might require additional protective measures. The Supervisor shall provide written notice to the lessee of his decision to require such surveys or studies. The nature and extent of any surveys or studies will be determined by the Supervisor on a case-by-case basis.

Based on any surveys or studies which the Supervisor may require of the lessee, the Supervisor may require the lessee to: (1) relocate the site of operations so as not to affect adversely the significant biological populations or habitats deserving protection; (2) modify operations in such a way as not to affect adversely the significant biological populations or habitats deserving protection; or (3) establish to the satisfaction of the Supervisor that such operations will not adversely affect the significant biological populations or habitats deserving protection. Based on any surveys or studies which the Supervisor may also require of the lessee, the Supervisor may require the lessee to provide for periodic sampling of environmental conditions during operations.

The lessee shall submit all data obtained in the course of such surveys or studies to the Supervisor, with the locational information for drilling or other activity. The lessee may take no action that might result in any effect on the biological populations or habitats surveyed, until the Supervisor provides written directions to the lessee, with regard to permissible actions.

In the event that important biological populations or habitats are identified subsequent to commencement of operations, the lessee shall make every reasonable effort to preserve and protect all biological

populations and habitats within the lease area, until the Supervisor provides written instructions to the lessee with regard to the biological populations or habitats identified.

#### Stipulation No. 3

Pipelines will be required, (1) if pipeline rights-of-way can be determined and obtained, (2) if laying such pipelines is technically feasible and environmentally preferable, and (3) if, in the opinion of the lessor, pipelines can be laid without net social loss, taking into account any incremental costs of pipelines over alternative methods of transportation and any incremental benefits in the form of increased environmental protection or reduced multiple use conflicts. The lessor specifically reserves the right to require that any pipeline used for transporting production to shore be placed in certain designated management areas. In selecting the means of transportation, consideration will be given to any recommendation of the intergovernmental planning program for assessment and management of transportation of Outer Continental Shelf oil and gas with the participation of Federal, State, and local government and industry. Where feasible and environmentally preferable, all pipelines, including both flow lines and gathering lines for oil and gas, shall be buried to a depth suitable for adequate protection from water currents, sand waves, storm scouring, fisheries' trawling gear, and other factors as determined on a case-by-case basis. All valves, taps, or other irregular surfaces that might be vulnerable or might damage fishing gear will be buried to a minimum of one foot or to a depth suitable for adequate protection or covered with an approved protective dome which will allow commercial trawl gear to pass over the structure without snagging or damaging the structure or fishing gear.

Following the completion of pipeline installation, no crude oil production will be transported by surface vessel from offshore production sites, except in the case of emergency. Determinations as to emergency conditions and appropriate responses to these conditions will be made by the Supervisor. Where the three criteria set forth in the first sentence of this stipulation are not met and surface transportation must be employed, all vessels used for carrying hydrocarbons to shore from the leased area will conform with all standards established for such vessels pursuant to the Ports and Waterways Safety Act of 1972 as amended (46 U.S.C. 391a).

#### Stipulation No. 4

The Supervisor may require the lessee to dispose of drill cuttings and drilling muds by shunting the material to a depth and location below the ocean surface as specified by the Supervisor, or by transporting the material to disposal sites approved by the Environmental Protection Agency. The Supervisor shall determine the method of disposal based upon review of the data obtained from the surveys and studies established pursuant to stipulation No. 2, and from other relevant sources of information.

Based upon the composition of produced formation waters, the site-specific environmental conditions in a leasing area, and the data obtained from the surveys and studies established pursuant to stipulation No. 2, as well as data from other relevant sources, the Supervisor may require the lessee to reinject formation waters. The Supervisor shall provide written notice to the lessee of a decision to require reinjection of such formation waters.

Stipulation No. 5

(The lease for the following tract will include this stipulation, which will apply only to operations within the designated portion of this tract: 42-43, NW 1/4, N 1/2 SW 1/4).

Portions of this tract may contain a shallow "bright spot" seismic amplitude anomaly which may be indicative of a shallow gas deposit. Surface occupancy above this anomaly and drilling through the anomaly will not be allowed unless or until the lessee has demonstrated to the Supervisor's satisfaction that a potentially hazardous accumulation of shallow gas does not exist or that exploratory drilling operations, structures (platforms), casing, and wellheads can be placed, or drilling plans designed to assure safe operations in the area above the anomaly. This may necessitate all exploration for and development of oil and gas be performed from locations outside the area of concern, either within or outside this lease block.

Stipulation No. 6

The lessee shall include in his exploration and development plans submitted under 30 CFR 250.34 a proposed fisheries training program for review and approval by the Supervisor pursuant to this stipulation. The training program shall be for the personnel involved in vessel operations (related to offshore exploration and development and production operations); and platform and shorebased supervisors. The purpose of the training program shall be to familiarize persons working on the project of the value of the commercial fishing industry and the methods of offshore fishing operations and the potential hazards, conflicts and impacts resulting from offshore oil and gas activities. The program shall be formulated and implemented by qualified and experienced instructors in the kinds of fishing activities, methods of communication and navigational safety.

Stipulation No. 7

(To be included in any leases resulting from this sale for the sliding scale royalty tracts listed in paragraph 4 of this notice).

- (a) The royalty rate on production saved, removed or sold from this lease is subject to consideration for reduction under the same authority that applies to all other oil and gas leases on the Outer Continental Shelf (30 CFR 250.12(e)). The Director, Geological Survey, may grant a reduction for only one year at a time. Reduction of royalty rates will not be approved unless production has been underway for one year or more.



- (b) Although the royalty rate specified in Sec. 6 (a) of this lease or as subsequently modified in accordance with applicable regulations and stipulations is applicable to all production under this lease, not more than 16 2/3 percent of the production saved, removed or sold from the lease area may be taken as royalty on amount, except as provided in Sec. 15 (d) of this lease; the royalty on any portion of the production saved, removed or sold from the lease in excess of 16 2/3 percent may only be taken in value of the production saved, removed or sold from the lease area.

Stipulation No. 8

(To be included only in the lease resulting from this sale for tract 42-3).

- (a) The lessee agrees that prior to operating or causing to be operated on its behalf boat or aircraft traffic into individual, designated warning areas, the lessee shall coordinate and comply with instructions from the Commander, Submarine Squadron Two, Naval Submarine Base, New London, Connecticut. Such coordination and instruction will provide for positive control of boats and aircraft operating into the warning areas at all times.
- (b) Whether or not compensation for such damage or injury might be due under a theory of strict or absolute liability or otherwise, the lessee assumes all risks of damage or injury to persons or property, which occurs in, on, or above the Outer Continental Shelf, to any person or persons or to any property of any person or persons who are agents, employees or invitees of the lessee, its agents, independent contractors or subcontractors doing business with the lessee in connection with any activities being performed by the lessee in, on, or above the Outer Continental Shelf, if such injury or damage to such person or property occurs by reason of the activities of any agency of the U.S. Government, its contractors, or subcontractors, or any of their officers, agents or employees, being conducted as a part of, or in connection with, the programs and activities of Commander, Submarine Squadron Two, Naval Submarine Base, New London, Connecticut or other appropriate military agency.

Notwithstanding any limitations of the lessee's liability in Section 14 of the lease, the lessee assumes the risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of their officers, agents, or employees. The lessee further agrees to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the lessee, and to indemnify and save harmless the United States against all claims

for loss, damage, or injury sustained by the agents, employees, or invitees of the lessee, its agents or any independent contractors or subcontractors doing business with the lessee in connection with the programs and activities of the aforementioned military installations and agencies whether the same be caused in whole or in part by the negligence or fault of the United States, its contractors, or subcontractors, or any of their officers, agents, or employees and whether such claims might be sustained under theories of strict or absolute liability or otherwise.

- (c) The lessee agrees to control his own electromagnetic emissions and those of his agents, employees, invitees, independent contractors or subcontractors emanating from individual, designated defense warning areas in accordance with requirements specified by the Commander, Submarine Squadron Two, Naval Submarine Base New London, Connecticut, to the degree necessary to prevent damage to, or unacceptable interference with Department of Defense flight, testing or operational activities conducted within individual designated warning areas. Necessary monitoring control and coordination with the lessee, his agents, employees, invitees, independent contractors or subcontractors, will be affected by the commander of the appropriate onshore military installation conducting operations in the particular warning area: Provided however, that control of such electromagnetic emissions shall permit at least one continuous channel of communication between a lessee, its agents, employees, invitees, independent contractors or subcontractors and onshore facilities.

15. Information to Lessees. On September 18, 1978, Congress passed amendments to the OCS Lands Act of 1953. Some sections of current regulations applicable to OCS leasing operations are inconsistent with this new legislation, and the legislation requires the issuance of some new regulations. The inconsistencies will be corrected by rulemakings and the new regulations will be issued as soon as possible. Nevertheless, bidders are notified that provisions of the new OCS Lands Act Amendments shall apply to all leases offered at this lease sale and shall supersede all inconsistent provisions in current regulations applicable to OCS leasing operations.

Some of the tracts offered for lease may fall in areas which may be included in fairways, precautionary zones, or traffic separation schemes. Corps of Engineers permits are required for construction of any artificial islands, installations and other devices permanently or temporarily attached to the seabed located on the Outer Continental Shelf Lands in accordance with Section 4(e) of the Outer Continental Shelf Lands Act, as amended.

Bidders are advised that the Departments of the Interior and Transportation have entered into a Memorandum of Understanding dated May 6, 1976, concerning the design, installation, operation and maintenance of offshore pipelines. Bidders should consult both Departments for regulations applicable to offshore pipelines.

Bidders are also advised that in accordance with Sec. 16 of each lease offered at this sale the lessor may require a lessee to operate under a unit, pooling or drilling agreement and that the lessor will give particular consideration to requiring unitization in instances where one or more

reservoirs underlie two or more leases with either a different royalty rate or a royalty rate based on a sliding scale.

A Biological Task Force (BTF) has been established to advise the Supervisor on those aspects of oil and gas operations resulting from lease Sale #42 that affect biological resources on Georges Bank and their habitats. The BTF is composed of designated representatives of the Bureau of Land Management, U.S. Fish and Wildlife Service, U.S. Geological Survey, NOAA, and the Environmental Protection Agency. Representatives of the affected coastal States may participate in activities of the BTF, but will not be formal members. It is intended that this BTF will remain in existence throughout the operating life of the field. The Supervisor will consult with the BTF in identifying areas or resources of biological importance, on the conduct of the biological surveys or studies, including periodic sampling of environmental conditions by lessees, and on the appropriate course of action after the surveys have been conducted.

In applying safety, environmental, and conservation laws and regulations the Supervisor, in accordance with Sec. 21(b) of the OCS Lands Act, as amended, will require the use of the best available and safest technologies which the Secretary determines to be economically feasible, wherever failure of equipment would have a significant effect on safety, health, or the environment, except where the Secretary determines that the incremental benefits are clearly insufficient to justify the incremental costs of utilizing such technologies. To the extent practical, the Supervisor will consult with the relevant Federal agencies and the affected State(s) in the execution of these responsibilities.

Bidders are advised that the Secretary of the Interior has directed that a development phase Environmental Impact Statement (EIS) be prepared

for the North Atlantic lease sale area. The content of this EIS will be in accordance with the rules and regulations promulgated by the Department.

If significant biological populations or habitats are identified by the lessee subsequent to commencement of operations, the Supervisor will provide written instructions to the lessee within 15 working days with regard to the biological populations or habitats identified.

Each lessee shall, soon after the award of the lease, submit to the Supervisor the name(s) of individual(s) who will be responsible for preparing an exploration plan. The Supervisor shall provide these names to the affected States.

It will be required that in the immediate vicinity of drilling operations an open sea skimming unit equivalent to Clean Atlantic Associate Fast Response Unit Model II and 1000 feet of open sea oil containment boom be maintained. In addition, a suitable deployment vessel and personnel trained in deployment and use of this equipment should be immediately available. As part of the approval of development and production plans, suitable pollution prevention equipment will be required in the immediate vicinity of development and production operations.

Bidders are advised that the Intergovernmental Planning Program for OCS Oil and Gas Leasing, Transportation and Related Facilities (IPP) is being implemented nationwide. The post-sale procedures of the IPP will be applicable to lease sale 42. The North Atlantic Regional Technical Working Group Committee of the OCS Advisory Board has been established as the organizational component of the IPP for the North Atlantic.

16. *OCS Orders.* Operations on all leases resulting from this sale will be conducted in accordance with the provisions of all Outer Continental Shelf Atlantic Orders, as of their effective date, and any other applicable OCS Order as it becomes effective.

Dated: November 13, 1979.

Ed Hastey,

*Associate Director, Bureau of Land  
Management.*

Approved:

Cecil D. Andrus,

*Secretary of the Interior.*

[FR Doc. 79-35429 Filed 11-15-79; 8:45 am]

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Federal Register

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Friday, November 16, 1979

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# AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY*	USDA/ASCS		DOT/SECRETARY*	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/NHTSA	MSPB/OPM		DOT/NHTSA	MSPB/OPM
DOT/RSPA	LABOR		DOT/RSPA	LABOR
DOT/SLSDC	HEW/FDA		DOT/SLSDC	HEW/FDA
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

\*NOTE: As of July 2, 1979, all agencies in the Department of Transportation, will publish on the Monday/Thursday schedule.

## REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.

### Rules Going Into Effect Today

#### FEDERAL COMMUNICATIONS COMMISSION

- 60532 10-19-79 / Domestic public fixed radio services and public mobile radio services; recodification of regulations
- 58912 10-12-79 / Florence, Ky; TV frequency allocation
- 58723 10-11-79 / FM broadcast service in Fordyce, Ark.; table assignment
- 58724 10-11-79 / FM broadcast service in Haynesville, La.; frequency allocation
- 58735 10-11-79 / Stations on shipboard in the maritime services; provision of specifications of portable radio equipment for use in totally enclosed boats

#### FEDERAL HOME LOAN BANK BOARD

- 59895 10-17-79 / Real property transactions with affiliated persons

### List of Public Laws

#### Last Listing November 14, 1979

This is a continuing listing of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the Federal Register but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202-275-3030).

- H.R. 4955 / Pub. L. 96-110 To authorize additional appropriations for migration and refugee assistance for the fiscal years 1980 and 1981 and to authorize humanitarian assistance for the victims of the famine in Cambodia. (Nov. 13, 1979; 93 Stat. 843) Price \$.75.